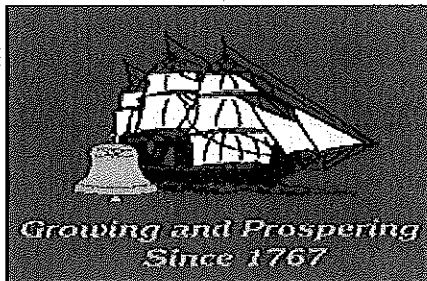


# **Town of East Hampton, CT**

## **Employee Handbook**



### **Introductory Statement**

This Employee Handbook is intended to provide employees of the Town of East Hampton with basic guidelines and information about working conditions, employee benefits and some of the policies affecting your employment. No employee handbook can answer every question, nor would we want to restrict the normal question and answer interchange among us. It is in our person-to-person conversations that we can better know each other, express our views and work together in a harmonious relationship.

We hope this Handbook will help you feel comfortable with us. We depend on you-your success is our success. Please don't hesitate to ask questions. Your Town Manager or Human Resources Department will gladly answer them. We believe you will enjoy your work and your fellow employees here. We also believe you will find the Town of East Hampton a good place to work.

We ask that you read the Handbook carefully and refer to it whenever questions arise. We suggest that you take it home so your family can become familiar with the Town of East Hampton and our policies. It describes many of your responsibilities as an employee and outlines the programs developed by the Town to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

Nothing contained in this manual is intended to create, nor shall be construed as creating, an expressed or implied contract of employment or guarantee of employment for any term. In case of a conflict, any applicable union contract/collective bargaining agreement, ordinance, statute or charter shall control; however, in the absence of such a provision, employment is at-will, and may be terminated by the Town or the employee at any time with or without cause.

The Town's policies, procedures, practices and benefits may change with time. They may require clarifying, amending and/or supplementing. The Town retains the right to make changes at any time and will attempt to advise employees when changes occur.

Due to mandates of legislation, the Town's obligation to East Hampton citizens and taxpayers and the need to address and resolve issues that arise in government, the Town of East Hampton must and does reserve the right to change, delete, suspend or discontinue any provision of this handbook. Such changes in consideration of continued employment shall apply to all existing and future employees.

Descriptions of various fringe benefits such as medical insurance are summaries only and are provided solely for informational purposes. Nothing herein shall be construed as creating a contractual right to receive such benefits. Should the descriptions in this handbook differ with any plan or document involved, the formal plan document shall govern.

When the context so requires, the masculine gender shall include the feminine and the feminine shall include the masculine, and the singular shall include the plural and the plural the singular.

### **General Policy**

The Town of East Hampton is an Affirmative Action, Equal Opportunity Employer. As an employer, it is the intent of the Town to comply with all state and federal laws pertaining to municipal personnel.

In order to provide for the successful operation of municipal agencies and to promote an effective employee/employer working relationship, it is hereby declared that:

1. The Town will employ the best available person for any given position.

2. Efforts will be made to promote effective and enthusiastic work performance on the part of all employees.
3. Promotion from within, whenever practical, will be offered to qualified and eligible individuals.
4. Each person will be treated with consideration and respect.
5. The Town will provide a clean, healthy and safe work environment.
6. Fair wages will be paid in line with job requirements and performances on the job.
7. Benefits such as holidays with pay, vacations and sick leave will be in line with current practices and conditions.
8. Each employee is expected to show a genuine interest in their work and perform to the best of their ability every working day.

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## Accident Reporting

If an employee becomes involved in an accident involving his/her assigned vehicle, he/she will be required to report the accident immediately to local authorities and the Town Manager (vehicle should not be moved unless instructed to by local authorities). An "Employee Incident Report" should be completed and submitted within 24 hours to the office of the Town Manager.

Employees will be liable for all damages to persons, vehicle, structures, etc. if involved in an accident involving his/her assigned vehicle outside the normal course of business. Employees will also be liable for damages that are not reported to the Town.

## Alcohol

The abuse of alcohol is a serious threat to both the "Town" and its employees. Management and employees are equally responsible for maintaining a safe and healthful working environment.

The possession, use or sale of alcohol on Town premises or while during the course of conducting Town business is strictly prohibited and will constitute grounds for termination. Town of East Hampton property includes all facilities, offices, buildings, equipment, automobiles, trucks, vehicles and parking areas, whether owned, leased, used or under the control of the Town. Any employee under the influence of alcohol which impairs judgment, performance, or behavior while on Town of East Hampton premises or while during the course of conducting Town of East Hampton business will be subject to discipline, up to and including termination. "Under the influence" means being unable to perform work in a safe and productive manner, or being in a physical or mental condition that creates a risk to the safety and well-being of the individual, other employees, the public or Town of East Hampton property or *in violation of any state or federal laws governing the same*.

The Town reserves the right to require any employee suspected of alcohol abuse to undergo testing, in accordance with state or industry regulations. Also, the Town reserves the right to require employees returning from rehabilitation for alcoholism to submit to periodic testing as a condition of his/her continued employment. Employees who refuse to be tested will be subject to discipline, up to and including termination.

With cause, the Town of East Hampton reserves the right to conduct searches and inspections of employees' personal property and effects, including vehicles and lockers, for the purpose of determining if this policy is being violated. All employees are expected to cooperate with inspections and failure to do so will result in discipline, up to and including termination.

The Town of East Hampton may take into custody any alcohol found on the premises and use it as evidence in disciplinary proceedings.

Employees who show up under the influence of alcohol will not be allowed to go to their respective work stations or drive themselves home. Either a family member or driving service will be contacted, and arrangements will be made to have the employee driven home.

Reasonable accommodation will be offered to any employee who admits to an alcohol problem, *to the extent required by law*. However, the Town may discipline, discharge or deny

employment to an employee whose use of alcohol adversely affects job performance or conduct to the extent that he/she is not qualified to perform the essential functions of his/her job.

The confidential nature of the medical records of individuals with alcohol dependency will be preserved. These records will be kept separate from the employee's personnel file, and as part of confidential medical records.

The Town of East Hampton accepts no responsibility for any alcohol consumption at informal employee events. No employee has the right to designate any informal event as Town sponsored. No notices of such events may be placed on bulletin boards without specific management approval.

## **Applications**

Applications for employment in the Town will be accepted at all times. Employment applications will be kept in an active file for a period of 90 days and will be otherwise maintained and/or destroyed as required by law.

## **Attendance**

Regular and on-time attendance is expected and essential for efficient operations at the Town. Good attendance is an important job requirement and an essential duty of every position. Excessive absenteeism and tardiness is not only inconvenient but also causes costly problems. While it is recognized that an occasional illness or unusual personal reason may cause unavoidable absence from work or tardiness, regular on-time attendance is required for continued employment.

*Definition of absence:* An employee is absent when he/she fails to report for and remain at work as scheduled. Lateness is a short absence at the beginning of the workday. Leaving early, even with permission, before the tour of duty ends *may also* be an absence. Absence, then, includes all time lost from the work schedule, whether avoidable or unavoidable, voluntary or involuntary.

Employees are required to personally make the effort to notify their supervisor of any absence or tardiness prior to their starting time so that arrangements may be made to alter distribution of work if necessary. In the event that the employee is unable to notify their supervisor at home, they should leave a message on the answering machine or email their supervisor at work, as well as the Town Manager's Office or Human Resources voicemail. Employees should be prepared to substantiate the reasons for their absences if asked.

Notification from another employee or relative is not acceptable, except under emergency conditions.

Employees must clear planned absences in advance with their supervisor, allowing as much notice as they can.

If an employee fails to give proper notification of his/her absence or if his/her supervisor considers the reason unacceptable, the employee will be charged with an unexcused absence.

Falsification of time records or failure to follow Town attendance and time record policies and procedures may result in disciplinary action, up to and including immediate discharge. Any employee who fails to maintain an acceptable attendance record will be subject to disciplinary action, up to and including discharge. An employee who fails to call in for three successive days, and fails to produce an acceptable excuse for not calling in, will be considered to have voluntarily quit.

Unsatisfactory attendance will have an adverse effect on any promotion considerations.

All employees are expected to strive for perfect attendance by:

- Maintaining reasonable health standards and taking precautions against illness.
- Not permitting minor indispositions or inconveniences to keep them away from the job.
- Making every effort to live and work safely — observing safety rules and practicing safety both on and off the job.
- Attending to personal affairs and obligations at times outside of their working hours.

## **At-Will Employment**

Employment with the Town of East Hampton is at-will for an indefinite period of time, until terminated by either the Town or the employee, with or without cause. That means either party may end the relationship. In case of conflict, any applicable union contract/collective bargaining agreement, ordinance, statute, contract or charter shall control; however, in the absence of such a provision, employment is at-will despite anything that an employee may read into any Town of East Hampton material.

Nothing intended in this handbook or oral representation by any Town of East Hampton personnel will create a contract of employment. No employment practice of the Town is intended to create a contract of employment.

These employment guidelines are intended only as an explanation of employment practices, policies, benefits and a general guide to working. They do not represent contractual terms of employment.

The Town of East Hampton's policies, benefits and rules as explained in this handbook may be changed from time to time as business, employment legislation and economic conditions dictate.

Employees are expected to behave in a manner consistent with existing policies and codes of conduct.

## **Background Checks**

The Town may conduct a background check to determine or verify background information, including educational records, criminal records, credit records, driving records, Workers' Compensation records, military records, federal court records, etc., *in accordance with the law*. Other kinds of verification checks may be added if a particular position warrants. The purpose of the background check is to ensure that individuals who join the Town are well-qualified, have a strong potential to successfully fulfill the requirements of the job and have honestly presented their background and qualifications as outlined on their application and résumé.



Background checks apply to new hires, as a condition of employment, after the job offer is made. Employment will be contingent upon the results of the background check.

Background checks are conducted on current employees who transfer into a position when the position has been identified as requiring a background check and a background check was not done when the employee was hired.

Having a criminal history or criminal conviction does not necessarily preclude employment. The nature of the offense and its relevance to the particular job are considered on a case-by-case basis. Considerations include the nature of the position involved and the implications for general safety and security.

Reference checks are an essential part of the background checking process. The Town asks all references a series of questions about work experience, character, personal habits, educational background and personality as they pertain to successful fulfillment of job requirements.

To assure confidentiality of all applicant information obtained during a background check, Human Resources coordinates the background checking process.

Any applicant who provides misleading, erroneous, or deceptive information on the application form, résumé or in an interview (including a failure to disclose prior convictions) could be immediately eliminated from further consideration for employment and possibly terminated if discovered after employment begins.

## **Behavior at work**

The Town of East Hampton prohibits the deliberate, repeated bullying of one employee by another, which prevents the targeted individual from accomplishing his/her work. The term "bullying" includes, but is not limited to, disparaging or disrespectful verbal or physical behavior even if it is unrelated to a person's race, color, sex, national origin, religion, age, disability or other protected characteristics. It can involve demeaning remarks, public humiliation, offensive language, threats, etc.

The Town of East Hampton recognizes that gossip can be extremely detrimental to a workplace. It can damage reputations, hurt morale and decrease productivity. Therefore, the spreading of

gossip that involves sensitive subjects or harms a co-worker, supervisor, customer, etc., is strictly prohibited.

If at any time employees feel they are not being treated with respect or courtesy by other employees or any manager or supervisor, they are urged to file a complaint with their supervisor, the Town Manager or the Human Resources department. It will not be necessary for employees to go through their immediate supervisor to file such a complaint if their concern/complaint is with their supervisor. A confidential investigation will be made and corrective action will be taken, if warranted.

Insubordination, including improper conduct toward a supervisor or refusal to perform tasks assigned by a supervisor in the appropriate manner, is considered inappropriate workplace conduct.

Employees must conduct themselves so that the safety of both themselves and their fellow workers is preserved.

## Bereavement

The Town of East Hampton recognizes that bereavement is a difficult period for an employee. Every effort will be made to ensure that the employee is able to attend to necessary family matters without loss of earnings.

Each full time employee shall be granted, with pay, funeral leave up to a total of three (3) working days in the event of the death of the employees' spouse, child, mother, father, sister, brother, grandparent, grandchild, stepchild or stepparent.

Each regular full-time employee shall be granted, with pay, funeral leave up to a total of two (2) working days in the event of the death of the employees' father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, or sister-in-law.

Each regular full-time employee shall be granted, with pay, funeral leave up to a total of one (1) working day in the event of the death of the employee's aunt or uncle or niece or nephew.

Funeral leave shall apply only to an employee who is actually in attendance at the funeral or engaged in activities in connection therewith.

Employees are expected to use personal or vacation time to attend the funeral of a close friend.

All time off must be taken on consecutive days.

In order to be eligible for bereavement leave, employees must notify their supervisor no later than the first scheduled workday following the death of an immediate family member of their need for leave and specify the date they will return to work.

When employees are granted bereavement leave benefits, they are expected to use the leave for the purpose for which it is intended. The Town reserves the right to ask for the name and relationship of the deceased and the funeral home that is handling the service *and to otherwise verify the need for the absence.*

## Breaks

Each employee may have two (2) fifteen (15) minute breaks each workday; one in the morning and the other in the afternoon as approved by their supervisor. Breaks must be staggered in order to make sure that someone remains in the department at all times and the office remains open. Employees' rest breaks are considered working time; the breaks are paid.

The schedule for lunch and break periods is set by the department supervisor in a manner that allows business operations to continue uninterrupted during the day. Their supervisor will advise them of the schedule for lunch and breaks in their department.

Lunch periods are unpaid time. Employees who eat lunch at their desks are asked to refrain from working during their meal break. Employees who work during their meal break against their supervisor's request may be subject to discipline.

In fairness to fellow workers, employees are expected to observe the time limits set for rest and lunch periods. Employees who return late from lunch or breaks are subject to discipline.

## **Breast-feeding**

The Town of East Hampton promotes and supports female employees' continuation of breast-feeding upon their return to work. Therefore, the Town allows and encourages nursing mothers to express breast milk for their babies in the workplace, within the context of a business environment.

The Town will provide reasonable unpaid breaks each day to an employee who needs to express breast milk for her infant. The break time shall, if possible, run concurrently with any break times already provided to the employee. The Town will not provide break time to any employee if to do so would unduly disrupt Town operations.

All employees are encouraged to provide an atmosphere of support for breast-feeding employees by respecting their privacy and recognizing the need for special accommodations.

The Town will comply with all state regulations concerning breast-feeding or storage of breast milk.

## **Business/Travel Expenses**

Employees, who use their private automobiles for official Town business as authorized by the Town Manager, shall be compensated at the I.R.S. rate per mile. Claims should be submitted monthly for the previous month. Evidence that automobile insurance is fully in effect is required for reimbursement. Such evidence must be provided annually at the start of the fiscal year.

The Town does not provide reimbursement for travel to and from work.

Air/train/bus travel and lodging: The Town will reimburse employee for work related travel (coach fare) and lodging with prior approval from the Town Manager.

Meals and incidentals: When determining the method of reimbursement for the following travel expenses, the federal rate for travel in the continental United States will be used. (Chapter one of IRS Publication 463). Cities are classified as either high or low rate cities. The high and low per diem rates are set for each year and a list of the cities is included in publication 1542. Receipts will not be required. Meal allowance may be reduced if meals are included in conference fees.

## **Cellular Telephones**

Town-owned cellular phones are to be used for Town business purposes only. Personal phone calls are prohibited without express prior approval from a Town supervisor. Employees may be charged for personal use of cell phones. Also, cellular telephones issued by the Town are restricted to employees whose responsibilities require their use.

Cellular phones that are purchased by the Town are the property of the Town and must be returned upon the employee's termination or resignation.

The Town encourages the safe use of cellular telephones and other wireless devices (e.g., Blackberries, PDAs) by employees when conducting business. No employee is to engage in the use of a cellular phone or device for business purposes while operating a car or other motor vehicle, unless it is used with a hands-free device.

Even with a hands-free device, use of electronic devices should be kept to a minimum, conversations should be as brief as possible and employees should refrain from making unnecessary calls. Where possible, even with a hands-free device, cellular phone calls should be made when the vehicle an employee is operating is not in motion. The only exception to this is when a phone call must be made in an emergency situation.

Camera phones may not be used in areas where employees have an expectation of privacy, such as restrooms and locker rooms. Employees are required to turn off and put away cameras in restricted areas. Work-related photos should not be posted on the Internet unless approved by management.

Employees using cellular phones should not discuss confidential issues with others present who do not need to know such information.

Making calls or text messaging using personal cell phones should be done sparingly except during non-work time (e.g., authorized breaks), and in non-work areas (e.g., lobby, outside of building, cafeteria). Also, employees should keep personal cell phones on vibrate or turn the ringer off if the ring would be disruptive to other employees. Actual air time charges for calls related to Town business will be reimbursed when they are submitted on a properly documented and approved expense report.

Cellular phone "courtesy" should be practiced at all times. When other individuals are present, employees should refrain from talking loudly or in an offensive manner.

All cellular telephones and other electronic communication devices should be turned off during meetings or when communicating with customers/patrons.

By accepting a business cellular telephone you agree to answer calls whenever possible, including after hours should there be an emergency.

## **Code of Conduct**

The Town prides itself on high standards of excellence, and expects its employees to uphold these ideals when dealing with individuals both internally and externally. The following Code of Conduct is intended to provide guidelines for the professional, ethical, and legal behavior the Town expects of our employees.

The Town expects that every employee will act in strict compliance with all laws and with the highest ethical standards. The Town believes that there should never be a conflict between good business practices and proper ethical conduct, although the issues involved may sometimes make it difficult to choose the best course of action.

Town executives, managers and supervisors are responsible for assuring their employees' understanding of, and compliance with, the Code of Conduct. They should actively encourage employees to learn and use the Code of Conduct.

Employees should always act in the Town's best interests. Those best interests lie in obeying the law and upholding the highest ethical standards. Employees should avoid any activity that may compromise these interests. Employees should not be subjected to influences, outside interests or relationships that might jeopardize the Town's integrity.

The Town recognizes the importance of credibility, integrity and trustworthiness to our success as a business. Therefore, we are committed to the principles of honesty and truthfulness. The Town

will not communicate any information that is false or deliberately misleading and expects the same from its employees. Employees should deal fairly and honestly with our citizens, customers, vendors, suppliers and any others with whom the Town does business.

The following acts are strictly prohibited: acts of dishonesty, fraud, and theft, as well as falsifying employment applications, time cards, personnel information, or other Town documents or records. *Note:* This list is not intended to be all-inclusive or comprehensive.

No employee should use his/her position with the Town or information acquired during employment in a manner that may create a conflict of interest between the personal interests of the employee and the interests of the Town.

Various circumstances and relationships might constitute a conflict of interest or violate the Town's Code of Conduct. In general, any situation in which an employee's activities could conflict with the employee's responsibilities to the Town or to others with whom it does business should be avoided.

Our managers understand that our Code of Conduct is intended to ensure ethical business conduct and high standards of integrity. It is not intended to give a manager the right to invade employee privacy. Whenever there is a suspected conflict of interest, an employee should be given a chance to explain his/her side of the story. The Town reserves the right to determine when an activity or behavior conflicts with the Town's interests and to take whatever action is necessary to resolve it. If necessary, this action can include terminating the employee.

All employees who suspect violations of the Town's Code of Conduct are required to report their concerns to their supervisor or to HR. All allegations of improper or illegal behavior will be investigated promptly, thoroughly and confidentially. No adverse action shall be taken against any employee for communicating concerns in good faith. The confidentiality of reported violations will be protected as best as possible, but it cannot be guaranteed.

#### Confidential Information

Employees should refrain from discussing confidential information with outsiders and with anyone else who does not have a legitimate need to know the information.

#### Employment of Relatives

Employees are not allowed to work in a position where there would be a direct or indirect reporting relationship with a relative or where a personal relationship interferes with job performance or morale.

No person should be hired for a position when to do so would violate this policy. If such a situation is created through promotion, transfer, marriage, or other changes, one of the affected employees may be transferred or terminated.

#### Fair Competition & Dealing

The Town does not permit or condone bribes, kickbacks or any other illegal or improper payments, transfers or receipts. This prohibition applies both to the giving and the receiving of payments.

No employee shall offer, give or transfer any money or anything else of value for the purpose of obtaining or retaining business; or receiving any kind of favored treatment.

No employee may discuss or agree with competitors regarding bids, settling prices or boycotting suppliers.

Fees, commissions, and expenses paid to outside agents must be based upon proper billings, accurate record-keeping and reasonable standards for services rendered.

## **Town of East Hampton, CT "Code of Conduct"**

The Town of East Hampton requires that all public officials and employees be independent, impartial and responsible to its citizens. The public judges its government by the way public officials and employees conduct themselves in the positions for which they are elected, appointed or hired for. The people have the right to expect that all public officials and employees will conduct themselves in a manner that will preserve the confidence and respect for government in which they represent.

This confidence and respect can be achieved and promoted if all elected or appointed public officials and employees:

- a) Treat all citizens with courtesy, impartiality, fairness and equality under the law.*
- b) Avoid both actual and potential conflicts between their private self-interest and the interest of the public.*
- c) Keep the community informed on Town affairs.*
- d) Encourage communication.*
- e) Seek to improve the quality and image of public service.*
- f) Recognize that the function of local government is to serve in the best interest of all the people.*

*These behaviors are meant to preserve the rights of everyone and ensure cooperation. They require common sense, good judgment and acceptable interpersonal behaviors. This code is to serve as a guide and is not intended to be an all-inclusive list.*

*Adopted by the East Hampton Town Council 1/28/03*

## **Compensatory Time**

Exempt department heads may be given compensatory time off upon authorization of the Town Manager in cases where they are required to work substantially beyond what is reasonably associated with their positions.

Approval of the Town Manager is required prior to earning or using compensatory time. Prior approval for earning compensatory time may be broad general approval for specific types of work or may be specific for each occasion, depending upon the type of work involved.

Work during the normally scheduled hours of work, or up to sixty (60) minutes before the workday, or up to sixty (60) minutes after the end of the scheduled workday is not eligible for compensatory time. However, if a department head works more than sixty (60) minutes either before or after the workday, all such time before or after the workday is considered compensatory time if approved by the Town Manager.

All compensatory time shall be reported on an "Advance Request for Authorization of Overtime / Compensatory Time" form when it is earned and when it is used. (Attached).

All compensatory time must be taken during the fiscal year in which it is earned, or within three (3) months thereafter. However, not more than the equivalent of fifteen (15) days of

compensatory time may be used during any fiscal year, regardless of the amount of compensatory time earned, and not more than five (5) days of compensatory time may be used in any calendar month.

Compensatory time need not necessarily be taken in the same increment of time in which it is earned.

In no event will compensatory time be used as the basis for additional compensation, and no compensatory time will be paid or used upon separation from the Town service for any reason, regardless of when it was earned.

## **Computers**

### COMPUTER SYSTEMS AND EQUIPMENT

Computer systems and equipment, including laptop computers, printers, networks, software, electronic mail, and Internet access, are provided for business-related use. It is the responsibility of all employees to see that these information systems are used in an efficient, ethical, and lawful manner.

All computers are considered to be Town property and are to be used for business purposes. Violations of this policy may result in disciplinary action, up to and including termination.

Employees are responsible for protecting their own passwords. Sharing user identifications, passwords and access codes is discouraged. Employees may be held responsible for misuse that occurs through such unauthorized access.

In order to provide the Town with access to all computer information and data, no employee is permitted to use encryption devices on a Town computer without express written authorization. Any employees authorized to use encryption coding devices and other security protecting devices must provide the applicable keys and codes in a sealed envelope to their immediate supervisors.

Introducing or using software designed to destroy or corrupt the Town's computer system with viruses or cause other harmful effects is prohibited. Employees are required to use the Town-provided anti-virus software.

Fraudulent, harassing, threatening, discriminatory, sexually explicit or obscene messages and/or materials are not to be transmitted, printed or stored on the Town computer system. Chain letters, solicitations and other forms of mass mailings via Town of East Hampton's computer equipment are prohibited.

To ensure that the use of computer systems and equipment is consistent with the Town's legitimate business interests, authorized representatives of the Town may monitor the use of such equipment from time to time. Use of Town electronic communications systems, including Internet access and e-mail, is not guaranteed to be private. As such, the user does not have an expectation of privacy in his/her use of such systems and the Town reserves the right to monitor the use of such systems to ensure compliance with policies and use guidelines by, e.g., bypassing passwords where appropriate. The Town reserves the right and may monitor phone calls, work areas, and computers and any other use of Town equipment or property without prior notification to employee, consistent with federal and state law.

### INTERNET

Employees are encouraged to use the Internet during work hours for business-related activities.

The Town prohibits employees from accessing pornographic, gambling-related and other inappropriate websites. While accessing the Internet on Town-owned computers, employees may be monitored for misuse.

Employees are prohibited from sending, receiving, or accessing via the Internet any messages or graphics that may be considered threatening, offensive, discriminatory or harassing to others. All policies pertaining to harassment or discrimination apply to employees' Internet use.

Internet access may be revoked at any time as the Town sees fit. Employees caught misusing the Internet or violating policy in any way are subject to discipline, up to and including discharge.

## **Confidential information**

Employees are not permitted to discuss confidential Town matters with other employees who do not have a right to know or with those who do not work for the Town, except as required to fulfill their job responsibilities or legal obligations. When such discussion is necessary, employees should take precautions to ensure that the only individuals involved are those who have a business reason to know and that such discussion takes place in private so it is not overheard by others. These principles apply to all confidential oral, written and electronic communications.

Employees are not permitted to remove, make copies of or otherwise disclose any Town files, records or information without prior supervisory approval. This includes, but is not limited to, personnel information, information about residents, and other business information.

Employees who have access to records and other personal information about residents, customers and other employees must not disclose the information for purposes that are adverse to the Town's interests.

Employees are expected: to follow all security policies aimed at safeguarding information; to protect confidential information against unauthorized use; not to use any of the confidential information except for business purposes; and not to directly or indirectly, reveal, report, publish, or disclose the confidential information.

Any employee who violates our Confidential Information Policy is subject to discipline, up to and including discharge.

The Town will safeguard personal employee information to ensure the confidentiality of such information. Information regarding an employee's medical history and other personal information is considered confidential. Confidential employee information is maintained in a safe and secured location, and shared only as required with those who are authorized to access such information, consistent with the law. Any medical information concerning employees will be maintained in separate, confidential medical files apart from regular personnel records. Only authorized employees may ever have access to such files.

If an employee becomes aware of a security breach in maintaining the confidentiality of information, his/her personal information or the personal information of a co-worker, the employee should report the incident to the Human Resources department. The HR department has the right to investigate the incident and take corrective action.

Employees who are issued and who take home Town-owned laptop computers or other portable electronic devices that contain confidential information are required to encrypt the data before taking them out of the workplace to minimize the risk of a security breach should a theft occur.



The Town may conduct random, periodic audits of employees' use of Town-owned portable electronic devices to make sure that they are using the encryption tools with which they have been provided. Employees found violating the Town's Confidential Information Policy regarding portable electronic devices will be subject to discipline, up to and including discharge.

The Town prohibits employees from using personal portable digital assistants, such as Palm Pilots and BlackBerrys, on Town-owned computers without permission. Such devices may lack encryption and therefore, pose a security threat since they can be used to take confidential information.

Violations of this policy are grounds for immediate dismissal from employment with the Town and may also provide basis for legal action against the employee.

## **Customer Relations**

One of the goals of the Town of East Hampton is to provide outstanding customer service. Customers deserve the most courteous and attentive treatment. Therefore, employees who deal directly with customers are expected to be professional and responsive to the needs of customers at all times.

As representatives of the Town, employees must be prepared to handle difficult customers and respond to customer complaints. The Town believes that every customer who registers a complaint deserves to be given prompt consideration. If repeated complaints are made concerning the same problem, you should report it immediately to your supervisor or the Town Manager, regardless of whether you normally handle such complaints.

Our goal is to satisfy our citizens.

## **Dating**

The Town discourages employees from becoming romantically involved with one another. Office romances create a distraction that often adversely impacts productivity and performance.

The Town prohibits supervisors from becoming romantically involved with subordinates. These situations can lead to charges of sexual harassment or retaliation by subordinates and favoritism by other employees. If a supervisor and subordinate are having a romantic relationship, it is the responsibility of the senior-ranking employee to disclose the relationship to the Town Manager or be in violation of the policy. The Town reserves the right to transfer one or both of the individuals. Factors such as work experience, seniority and Town needs will influence the decision. In all such cases, the business needs of the Town will be the determining factor.

Employees who become personally involved with co-workers should be aware that serious risks and consequences can develop as a result of the relationship's effect on business matters.

The Town prohibits sexual harassment. Employees can report any unwanted sexual conduct or unwelcome sexual innuendos to their supervisor, Human Resources or the Town Manager. All complaints of sexual harassment will be promptly investigated, and disciplinary action will be taken against anyone found guilty of harassment.

Employees who persist in attempting to date others who have expressed no interest or have filed complaints will be treated as sexual harassers and will face discipline, up to and including termination.

The Town will not tolerate favoritism in the workplace. Supervisors or managers who provide special benefits, such as promotions or raises, to employees with whom they are having a romantic relationship are in violation of this policy and will be disciplined accordingly.

Employees who believe they have been adversely impacted by a relationship between their supervisor/manager and a co-worker should report it immediately to Human Resources or the Town Manager. Instances of paramour favoritism may create a hostile environment for others and therefore, will be investigated immediately.

The Town prohibits employees from engaging in public displays of affection or romantic liaisons during business hours or while on Town premises.

## **Disability Discrimination**

It is the policy of the Town of East Hampton to abide by both the letter and spirit of the Americans with Disabilities Act (ADA) as amended by the ADA Amendments Act of 2008. The ADA prohibits discrimination in all employment practices, including job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions and privileges of employment. It applies to recruitment, advertising, tenure, layoff, leave, fringe benefits and all other employment-related activities.

The Town prohibits all discrimination against "qualified individuals with disabilities." This includes applicants for employment and current employees. We also forbid discrimination against persons because they have a known association or relationship with an individual with a disability.

We consider a qualified individual with a disability as a person who meets legitimate skill, experience, education or other requirements of an employment position that he/she holds or seeks with or without a reasonable accommodation.

The Town requires the ability to perform "essential" job functions to assure that an individual with a disability will not be considered unqualified simply because of the inability to perform marginal or incidental job functions. If the individual is qualified to perform essential job functions, except for limits caused by a disability, we will consider whether the individual could perform these functions with a reasonable accommodation.

The Town will not ask or require a job applicant to take a medical examination before extending a conditional job offer. Except under lawful circumstances, we will not make any pre-employment inquiry about a disability or the nature or severity of a disability. But we may ask questions about the ability to perform specific job functions and may, with certain limitations, ask an individual with a disability to describe or demonstrate how he/she would perform these functions.

We also retain the right to conduct medical examinations where there is evidence of job performance or safety problems to determine an employee's current "fitness" to perform his/her job, and on a voluntary basis as part of employee health programs.

Information from all medical examinations and inquiries will be kept apart from general personnel files as a separate, confidential medical record.

Tests for illegal use of drugs are not medical examinations under the ADA and are not subject to restrictions of such examinations. We reserve the right to conduct them according to Town policy and current federal, state, and local laws.

Our established attendance and leave policies will be uniformly applied to all employees, regardless of disability, *consistent with the law*.

This Town provides all of its employees, including employees with disabilities, with the opportunity to participate in training to improve job performance and for career advancement. The Town will not deny training opportunities to employees with disabilities because they may require that we make reasonable accommodations to the training process or facility, unless accommodation would create an undue hardship.

The Town of East Hampton is dedicated to protecting the rights provided to individuals with disabilities by the ADA. Accordingly, no one in a position of responsibility will retaliate against anyone who asserts the rights provided by the ADA or any state human rights laws.

If an employee feels that he/she has been subjected to discrimination based on a disability by the Town of East Hampton, a vendor, a customer, etc., the employee may file a complaint with their supervisor. If that is the person responsible for the discriminatory conduct, the employee should contact the Human Resources department or the Town Manager. Under no circumstances is the complaining employee required to report a disability discrimination complaint to the individual responsible for such practices. The Human Resources department or the Town Manager will research the complaint so that a prompt, thorough investigation may be undertaken.

Human Resources or the Town Manager will interview the complaining employee, the individual accused of discrimination, and witnesses, if appropriate, and review appropriate files, records, or other documentation. To the extent possible, the confidentiality of all those involved will be protected against unnecessary disclosure. Information obtained during the course of a discrimination investigation will be maintained in confidence, *consistent with the law*. It will be released only to individuals who have a need to know.

Individuals who knowingly make false statements during the course of a discrimination investigation may be subject to discipline, which may include discharge. All employees are expected to cooperate fully with such investigations. Failure to cooperate fully may lead to discipline, which may include discharge. However, the mere fact that a claim of discrimination is not substantiated (or is withdrawn) must not lead to any adverse employment action, and the Town understands its obligation to avoid unlawful retaliation.

Once the investigation is complete and if the Town determines that discrimination has occurred, it will take immediate and appropriate corrective action to discipline the individual responsible and prevent discriminatory conduct from occurring in the future. Disability discrimination is a form of misconduct, and discipline will be enforced against individuals engaging in discriminatory conduct and against supervisory and managerial personnel who knowingly allow such behavior to occur.

#### ACCOMMODATION

The Town will provide reasonable accommodation to enable a qualified applicant with a disability to perform the essential functions of the job that he/she is seeking and to enable a qualified employee with a disability to perform the essential functions of a job currently held.

A qualified applicant or employee is an individual with a disability who satisfies the requisite skill, experience, education, and other job-related requirements of a position and who can perform the essential functions of that position with or without reasonable accommodation.

Modifications or adjustments may be required for the hiring process, in the work environment, in the manner or circumstances in which the job is customarily performed or in employment policies. Our goal is to allow an employee with a disability to enjoy the benefits and privileges of employment equal to those enjoyed by similarly situated employees without disabilities.

Applicants may request accommodations for the application, interview and testing processes (if applicable). All applicants shall be informed of this policy upon being invited to apply or interview for any available positions. Applicants may direct their request for accommodation to the hiring manager or to Human Resources.

Employees may request accommodations orally or in writing. Any employees seeking an accommodation may direct their request to their immediate supervisor or Human Resources. Employees who make an oral request for accommodation may be asked to provide a subsequent request in writing.

As examples of reasonable accommodation, we will consider: making existing facilities used by employees readily accessible to and usable by an individual with a disability; restructuring a job; modifying work schedules; acquiring or modifying equipment; providing qualified readers or interpreters; and appropriately modifying examinations, training or other programs.

Reasonable accommodation may also include reassigning a current employee to a vacant position for which the individual is qualified, if the person is unable to do the original job because of a disability even with an accommodation, *consistent with any applicable collective bargaining agreements*. We are under no obligation to find a position for an applicant who is not qualified for the position sought. We are not required to lower quality or quantity standards as an accommodation, nor are we obligated to provide personal use items, such as glasses or hearing aids.

We will not be able to make an accommodation that would impose an undue hardship on the operation of the business. The ADA defines an undue hardship as an action that requires significant difficulty or expense. Each accommodation request will be handled on a case-by-case basis, and every effort will be made to comply with the Act.

If a particular accommodation would create an undue hardship, we will try to identify another accommodation that will not pose a hardship.

Once an applicant or employee makes a request for accommodation, the Town will engage in the interactive process to determine what reasonable accommodation will be made without imposing an undue hardship on the Town.

In many instances, both the disability and the type of accommodation required will be obvious; and, thus, there may be little or no need to engage in any discussion. In other situations, the Town may need to ask questions concerning the nature of the disability and the individual's functional limitations in order to identify an effective accommodation. While the individual with a disability does not have to be able to specify the precise accommodation, he/she does need to describe the problems posed by the workplace barrier. Additionally, suggestions from the individual with a disability may assist the Town in determining the type of reasonable accommodation to provide.

The employee and his/her health care provider may be asked to provide documented information concerning the employee's work restrictions. The supervisor will provide a current job description that outlines essential and non-essential job functions to the health care provider to help determine functional capabilities and to serve as a basis for recommendations for the Town to consider. The Town may also require a physician's certification for sick leave, as may be permitted by federal law (including but not limited to the Americans with Disabilities Act, the Family and Medical Leave Act, and Health Insurance Privacy and Accountability Act).

## **Discipline**

The Town has established disciplinary guidelines to promote fairness and consistency. All employees are expected to behave in an orderly, courteous manner and to fulfill the obligations set out in their job descriptions. If employees knowingly and willingly violate Town rules of conduct, their immediate supervisor will discipline the employees in accordance with these general guidelines.

All employees are expected to comply with the Town's standards of work-related behavior and performance. When noncompliance becomes evident, the Town, acting through its supervisory structure, will administer discipline in any manner it sees fit. Normally, the process will involve the following steps:

- a. Initially, the Town will counsel the employee concerning the noncompliant conduct. The fact that counseling has occurred will be documented in the employee's personnel file, but it will not be considered to be part of the disciplinary process. This will give the employee an opportunity to remedy the problem before the progressive discipline process begins.
- b. If the conduct continues, the Town, at its sole discretion, may provide the employee with an opportunity to remedy the problem through its progressive discipline process.
  1. The first step in that process is a written warning.
  2. The second step in the progressive discipline process is probation or a suspension without pay.
  3. The third step is termination from employment with the Town.

Flagrant disregard for policies and practices, such as gross insubordination or physical violence, may warrant immediate discharge. Major offenses, such as dishonesty, breach of trust, unlawful distribution of drugs while conducting Town business and possessing or transporting firearms in Town vehicles, are so serious in nature that an employee may be discharged for the first violation. Discharge from employment will also occur when the probation period progress reviews indicate that the employee's performance or conduct has not improved during probation or at the end of probation.

In other cases, behavior or performance problems may warrant immediate severe disciplinary action including, but not limited to, suspension without pay or termination.

Supervisory employees are responsible for the good conduct and job performance of their subordinates. When discipline is required, the supervisor shall issue the discipline in consultation with the Town Manager.

Records of disciplinary action shall be maintained in the employee's personnel file and a copy given to the employee. After one year free of discipline, the written warning will remain in the employee's file but will not be used as a step in the progressive discipline process. After this period, the first step in the disciplinary process would begin once again with a written warning.

The object of disciplinary action is to correct problem situations and mistakes and to minimize employees' loss of dignity and self-esteem. Disciplinary action is not punitive in nature and should not be undertaken with the intent to punish.

Disciplinary actions will be handled on a fair and equitable basis. They will be non-discriminatory in their application and be reasonable in their appropriateness to the problem situation.

The Town reserves the right to bypass the disciplinary steps and base its disciplinary action on the severity, frequency or combination of infractions when circumstances warrant immediate action. The above list is not inclusive of all offenses that may lead to termination. Indeed, for at-will and probationary employees, the Town reserves the right to discharge at any time.

## **Discrimination/EEO**

The Town of East Hampton is committed to maintaining a work environment in which all individuals are treated with respect and dignity. All employees have the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices. In keeping with this commitment, the Town will not tolerate unlawful discrimination by anyone, including any supervisor, co-worker or third party.

The Town does not engage in any unlawful employment discrimination, which we define to be:

- to fail or refuse to hire, or to discharge, any individual, or to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of such individual's race, color, religion, sex, sexual orientation, disability, age, national origin, marital, military, or union status, or any other characteristic or classification protected by law; or
- to limit, segregate or classify employees or applicants for employment in any way which would deprive any individual of employment opportunities or otherwise adversely affect his/her status as an employee, because of such individual's race, color, religion, sex, sexual orientation, disability, age, national origin, marital, military, or union status, or any other characteristic protected by law.

The Town does not base hiring, compensation, promotion, or any other employment decisions on the basis of an individual's personal characteristics or classification. All such decisions are based on specific job-related performance standards, many of which can be measured objectively, such as production records or attendance.

The Town also prohibits all forms of illegal harassment of employees by supervisors, co-workers, clients, vendors, and visitors. Harassment consists of verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, sexual orientation, disability, age, national origin, marital, military or any other characteristic protected by law that: has the purpose or effect of creating an intimidating, hostile, or offensive work environment; has the purpose or effect of unreasonably interfering with an individual's work performance; or otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; and the display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group.

Employees who experience or witness discrimination in the workplace must report it immediately to their supervisor. If that is the person responsible for the discriminatory conduct, the employee should contact the Human Resources department or the Town Manager. Under no circumstances is the complaining employee required to report a discrimination complaint to the individual responsible for such practices.

The Town representative informed of the complaint will notify the Town Manager or Human Resources department so that a prompt, thorough investigation may be undertaken. Also, the Town will take appropriate action to immediately prevent or stop the discriminatory conduct from recurring.

A representative will interview the complaining employee, the individual accused of discrimination, and witnesses, if appropriate, and review appropriate files, records, or other documentation. To the extent possible, the confidentiality of all those involved will be protected against unnecessary disclosure.

Information obtained during the course of a discrimination investigation will be maintained in confidence, consistent with the law. It will be released only to individuals who have a need to know, e.g., individuals who will enable the Town to investigate the charges thoroughly.

Individuals who knowingly make false statements during the course of a discrimination investigation may be subject to discipline, which may include discharge. All employees are expected to cooperate fully with such investigations. Failure to cooperate fully may lead to discipline, which may include discharge. However, the mere fact that a claim of discrimination is not substantiated (or is withdrawn) must not lead to any adverse employment action, and the Town understands its obligation to avoid unlawful retaliation.

Once the investigation is complete and the Town determines that discrimination has occurred, it will take immediate and appropriate corrective action to discipline the individual responsible and prevent discriminatory conduct from occurring in the future. Discrimination is a form of misconduct, and discipline will be enforced against individuals engaging in discriminatory conduct and against supervisory and managerial personnel who knowingly allow such behavior to occur.

In some situations, the conduct may not be severe or pervasive enough to rise to the level of illegal discrimination, but it can still create an uncomfortable work environment for others. Thus, the Town retains the right to discipline behavior that it deems inappropriate and unprofessional, regardless of whether it is illegal.

The Town will inform the complaining employee of the outcome of the investigation and of the internal remedies available. The complaint procedure will provide for follow-up to determine if the discriminatory conduct has been effectively stopped.

The Town will not tolerate unlawful retaliation against any employee who files a complaint, supports a co-worker in a complaint, or speaks as a witness in the investigation of a complaint. It is also prohibited to discharge or in any manner discriminate against an employee who gives information about an alleged employer violation, causes a proceeding to be instituted against an employer, or testifies in a proceeding concerning an employer violation.

Employees who experience retaliation in the workplace are encouraged to report it immediately to their supervisor, the Town Manager or Human Resources. All allegations of retaliation will be investigated. When the investigation is completed, anyone found guilty of retaliatory conduct will be subject to discipline, up to and including discharge.

## **Diversity**

The Town of East Hampton recognizes that a talented and diverse workforce is a key competitive advantage. Therefore, the Town is committed to seeking out and finding the most talented employees to ensure top business growth and potential.

Diversity benefits individuals, customers and the Town as a whole. The Town recognizes that all employees bring their own capabilities, experiences and characteristics to their work. Such diversity is valued at all levels of the Town of East Hampton.

The Town believes in treating all individuals with respect and dignity. Therefore, the Town strives to achieve a supportive environment in which all employees reach their maximum potential.

The Town's diversity encompasses differences in ethnicity, gender, age, religion, socio-economic status, political affiliation, physical and mental ability, experience, education, etc. The wide array of perspectives that results from such diversity promotes innovation and business success.

## **Domestic Violence**

The Town of East Hampton recognizes the impact of domestic violence on the workplace. Domestic violence is defined as a pattern of physical, psychological, sexual, emotional, and/or economic abuse by one person against a family or household member, with the goal of establishing and maintaining power and control over the victim.

In addition to exacting a tremendous toll on the individuals it directly affects, domestic violence often spills over into the workplace, compromising the safety of both victims and co-workers and resulting in lost productivity, increased health care costs, increased absenteeism and increased employee turnover.

Therefore, the Town does not tolerate any acts or threats of domestic violence against any employee while on Town property or while conducting Town business. Employees who threaten, harass, or abuse any one either at the workplace, or away from the workplace, will be subject to discipline, up to and including discharge.

Employees who become aware of threats or acts of domestic violence that may occur or have occurred in the workplace must immediately inform their supervisor/manager.

Employees who have a restraining order that lists Town locations as being protected areas must provide management with a copy of the order so that the necessary safety precautions may be taken.

The Town will maintain employee confidentiality and will respect the rights of the employees involved, as well as any employee who reports an act or threat of domestic violence.

The Town will provide assistance to employees involved in domestic violence, including resource and referral information and special consideration at work for employee safety.

The Town will not deny job benefits or other programs to employees based solely on one being the victim of domestic violence. When employees confide that a job performance or conduct problem is related to domestic violence, in addition to appropriate corrective or disciplinary action consistent with Town policy and procedure, the Town will provide the appropriate assistance.



## Dress Code

Department supervisors and managers are responsible for monitoring and enforcing the dress code policy. Dress, grooming and personal cleanliness standards contribute to the morale of all employees and affect the image the Town presents to its resident, visitors and others. A neat professional appearance is a requirement of the Town of East Hampton. It is expected that all employees will exercise good judgment and dress appropriately for their jobs. These are the factors that they should take into consideration when determining appropriate dress:

- o The nature of their work
- o Safety considerations, such as necessary precautions when working near machinery or hazardous work areas (employees will be required to wear proper safety equipment at all times, without exception for any reason);
- o The nature of their public contact, if any, and the normal expectations of outside parties with whom they will work;
- o The prevailing dress practices of other workers in similar jobs.

For instance, office workers are required to dress no less formal than "business casual" (e.g. collared shirts, sweaters, khaki or dress slacks, dresses, skirts, suits or jackets). Fieldwork may necessitate jeans and work boots and other work, such as that performed by Public Works employees, may require uniforms. The following are examples of unacceptable clothing in our workplace at all times: clothing conveying vulgarity, obscenity, hate or violence; cropped, tube, halter or spaghetti strap tops; and light or sheer low-cut clothing.

When an employee's dress does not comply with established standards, the normal response should be to discuss the matter with the employee. If continued counseling fails to bring the desired response, the supervisor may initiate disciplinary action.

If an employee's attire is questionable, the supervisor/manager will hold a private discussion with the employee regarding the inappropriateness of the attire. If an obvious policy violation occurs, the employee will be sent home immediately, instructed to return dressed in more appropriate clothing, and placed on authorized leave without pay for the period absent from work, depending on their exempt/non-exempt status.

Office workers may wear denim jeans, in decent condition only, on Friday pending scheduled meetings.

## Drug Use

Drug abuse is a serious threat to both the Town and its employees. To ensure a safe and healthy working environment, the Town has adopted the following drug testing policies, subject to state-specific regulations in various Town locations.

Before being asked to submit to a drug test, job applicants and employees will receive written notice of the request and the testing requirements.

Job applicants may be required to undergo drug testing after a conditional offer of employment has been made. Positive test results will be considered in employment decisions and may result in a decision that the applicant is medically unqualified for employment, consistent with the law.

Current employees will be subject to testing if the Town obtains evidence or has reasonable suspicion that drugs are being used. If there is reason to believe that an employee is working

under the influence of drugs, he/she will be required to undergo immediate testing and will be suspended until the results of the test are made available. Reasonable suspicion includes:

- the employee appears significantly confused or exhibits erratic behavior;
- the employee exhibits paranoia, slurred speech, or irrational behavior;
- the employee has had a single, or a series of, safety-related incidents that raise questions about his/her physical and emotional state.

Arrangements will be made to have the employee driven home pending the results of the testing. If the results are negative, the employee will be allowed to return to work at the next normal shift. If the test results are positive, the employee will be given the opportunity to participate in a rehabilitation treatment program. However, the employee may still be subject to discipline, including termination, consistent with the law.

Employees who are involved in workplace accidents that result in injury or damage to Town property may be required to undergo immediate drug testing. Refusal to submit to drug testing after an accident will result in discipline, up to and including discharge.

Employees who refuse testing when reasonable suspicion is present will be subject to discipline, up to and including termination.

Any drug and/or alcohol testing required or requested by the Town will be conducted by a laboratory licensed by the state.

If the employee receives notice that the test results were confirmed positive, the employee will be given the opportunity to explain the positive result.

The Town will pay the cost of any drug and alcohol testing that it requires or requests employees or applicants to submit to, including retesting of confirmed positive results.

The Town will make every effort to keep the results of drug and alcohol tests confidential. Only persons with a need to know the results will have access to them.

Employees are responsible for reporting the use of prescribed drugs that may affect the employee's judgment, performance, or behavior. Over-the-counter drugs that can result in drowsiness are prohibited during working hours. Employees who are treating colds and flu with non-prescription medicine are urged to ask their pharmacists for alternatives that do not cause drowsiness.

The Town's drug policy is intended to comply with all state laws governing drug and alcohol testing and is designed to safeguard employee privacy rights to the fullest extent of the law.

## **E-Mail**

Town policies concerning courtesy, harassment, reporting absences, solicitation, etc., apply to the use of the electronic mail system, herein referred to as e-mail. The Town will not tolerate defamatory or threatening messages, or messages that create a hostile work environment. Violation of any Town policy through the use of the e-mail system will lead to discipline, up to and including discharge.

The e-mail system, like all other Town property, is to be used for business purposes.

E-mail transmissions are Town property; therefore, employees should have no expectation of privacy. All e-mail is subject to review by management. Employees' use of the e-mail system grants consent to the review of all e-mail messages.

Employees must recognize that e-mail contained in or sent from personal accounts (e.g., a Yahoo or Hotmail account) accessed via a Town computer is retrievable, can be monitored, and, if offensive, can be evidence in complaints and lawsuits. Employees are strictly prohibited from forwarding messages from their personal e-mail accounts to their own or a colleague's work account that do not concern Town business or that contain jokes, rumors, or gossip that are inappropriate for the workplace and/or violate Town policies, as further described herein.

Only authorized persons can use e-mail. If employees have not been issued an e-mail password, they may not use the e-mail system. Employees may not use unauthorized codes, passwords, or other means to gain access to e-mail belonging to others. Misuse of passwords, the sharing of passwords with non-employees, and/or unauthorized use of another employee's password will result in disciplinary action.

All e-mail messages, including those that have an ongoing legal, compliance, business, or operational value or relate to an audit, investigation, or litigation must be retained in accordance with the Town's document retention policy, consistent with state law.

E-mails should be treated with the same respect as telephone calls or delivered mail. They should be treated as formal documents with proper business standards being followed. Style, spelling, grammar and punctuation should be appropriate and accurate.

E-mail users should draft messages with the awareness that they are a permanent record. "Deleted" messages may exist on a hard drive, in a backup system, etc., and may be discoverable in a lawsuit. For this reason, e-mail must be treated as any other final work product that could be read in the future by a third party.

Misuse of e-mail can result in disciplinary action.

The Town expects employees to treat co-workers, visitors and customers with courtesy and dignity when sending e-mail messages. Employees are prohibited from leaving terse messages for anyone or using the e-mail system to "hide" from co-workers, residents and customers.

Employees are prohibited from opening unsolicited e-mail, also known as spam, or any e-mail with an unexpected attachment in order to prevent spreading e-mail viruses. Employees who suspect that they have been sent or opened a virus should contact the network administrator immediately to prevent further damage to the Town's computer resources.

## **Employee Relations**

### **Town Objectives**

The Town strives to maintain favorable employee relations. The Town's employee relation objectives are to:

- Operate an economically successful Town government that maintains a level of quality work.
- Manage the Town's workforce in accordance with legal and contractual requirements while optimizing employee performance.
- Provide fair and competitive employee compensation, wages and benefits consistent with the Town's ability to pay.
- Provide employees an opportunity for their job-related concerns to be heard and responded to by the Town.
- Provide pleasant and safe working conditions.

- Provide career opportunity when possible and in the interest of the employee and the Town.

### **Employee Objectives**

The jobs at the Town of East Hampton exist to improve the environment of the Town and provide quality services to its residents. During work hours, employees are expected to contribute all their talents and energies toward performing their jobs. Each employee is responsible for knowing his/her own duties and how to perform them promptly, correctly and courteously. Employees are expected to cooperate with management, fellow employees and maintain a good team attitude. How employees interact with fellow employees, the members of the public whom the Town serves and their supervisors will determine an employees' success and impact the quality of the services the Town provides to its citizens.

## **Employment**

### **Employment Terms**

Employees are employed by the Town for an indefinite period or who have been elected to office for a definite period or as specified below.

### **Contract Employment**

Contract employees are hired for a definite term as provided by a written employment agreement between the Town and the employee which contract sets forth the employee's conditions of employment, salary and benefits and has been approved by the Town Manager and/or Town Council.

### **Independent Contractors**

Independent contractors are individuals who provide services to the Town pursuant to a consulting agreement. They are not employees of the Town but are expected to comply with all applicable Town policies, procedures, rules and regulations.

### **Employee classifications**

The Town classifies employees as "exempt" or "non-exempt" and employs them on a "full-time" or "part-time" and "regular", "temporary" or "seasonal" basis. In addition, employees are subject to the Town's policies, procedures, rules and regulations.

### **Exempt/Non-Exempts Status**

Non-exempt employees are those employees who are covered by the overtime provisions of the federal Fair Labor Standards Act and applicable state law. Employees in this category may qualify for overtime pay. The overtime provisions of the federal Fair Labor Standards Act and applicable state law, do not apply to exempt employees. Exempt employees do not receive overtime pay because their salaries reflect compensation for all work performed in a pay period. An employees' exempt/non-exempt status depends upon the employee's job duties.

### **Full-time/Part-time Status**

Full-time employees are those who are regularly scheduled to work twenty (20) or more hours per week for a full calendar year. Part-time employees are those who are regularly scheduled to work less than twenty (20) hours per week for a full calendar year.

### **Regular, Temporary and Seasonal Employees**

Regular employees are those whose employment is for an indefinite term on a year-round basis. Regular employees may work full-time or part-time. Temporary employees are those whose services are intended to be of limited duration for a specific reason such as filling in for an absent employee or completing a particular project. Temporary employees who assist seasonally, such as those who staff summer programs are seasonal employees. Temporary and

seasonal employees may work full or part time during their temporary employment. When they work full time, they are still considered temporary and not full time employees for the purposes of benefits described in this handbook.

**Changing Classifications:** From time to time, the Town may change an employee's classification. An employee cannot change his own status simply by working more or less hours. Only the Town may change an employee's status. If you are uncertain as to your status as an employee, ask the Town Manager.

## **Entertainment**

It is Town policy that when employees are entertaining potential or existing visitors, customers, colleagues or potential or current employees — whether such entertainment is reimbursed by the Town or not — that nothing occurs that is adverse to the interests of the Town.

To avoid embarrassment for employees and the Town, as well as potential litigation, employees are expected to comply with all Town policies when entertaining visitors, customers, colleagues or potential or current employees.

When entertaining such, employees are expected to avoid all unlawful activities.

Colleagues or clients and employees are not to be entertained at locations which violate any law, which provide any entertainment that may be viewed as sexual harassment or which are inaccessible to persons with disabilities.

Employees violating these guidelines are subject to discipline, up to and including discharge.

The Town's discrimination and harassment policies are to be followed.

The Town will reimburse entertainment expenses that are reasonable and necessary, are for a business purpose of the Town and are conducted within applicable laws. If an employee has any question about the appropriateness of an entertainment expense, he/she should consult with a supervisor before incurring the expense. However, the Town does realize that not every entertainment situation can be anticipated.

An original itemized receipt, a brief statement describing the justification for the entertainment expense and a list of the attendees must accompany all reimbursement requests and must be submitted within sixty (60) days of the expenditure to be reviewed for reimbursement.

## **Family and Medical Leave Act**

In accordance with the Family and Medical Leave Act (FMLA), eligible employees are entitled to the following:

### **BASIC LEAVE ENTITLEMENT**

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees in any 12-month period:

- For the birth of a child or the placement of a child with the employee for adoption or foster care, or to care for an employee's newborn child;
- If the employee is needed to care for a family member with a serious health condition;

- If the employee's own serious health condition renders the employee unable to do his/her job;
- For any qualifying exigency (necessity) arising out of the fact that the employee has a spouse, son, daughter, or parent that is on covered active duty.

Under the FMLA, employers must grant a combined total of 26 weeks of unpaid military caregiver leave in a single 12-month period to employees who are the spouse, son, daughter, parent, or next of kin of a covered service member who has sustained a serious injury or illness while on active duty so that the employee can care for the service member.

#### MILITARY FAMILY LEAVE ENTITLEMENTS

Eligible employees with a spouse, son, daughter, or parent that is on covered active duty may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, spending time on rest and recuperation leave, and attending post-deployment reintegration briefings.

For purposes of qualifying exigency leave, covered active duty is defined to mean:

- Duty during the deployment of the member with the Armed Forces to a foreign country, in the case of a member of the regular component of the Armed Forces; and
- Duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty, in the case of a member of a reserve component of the Armed Forces.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period.

A covered service member is defined as: 1) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness, or 2) a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the five years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

For purposes of military caregiver leave, the terms "serious health condition" and "serious injury or illness" are not interchangeable. Plus, the definition of a serious injury or illness differs slightly based on whether the covered service member is a member of the Armed Forces or is a veteran. Specifically:

- In the case of a member of the Armed Forces, a serious injury or illness is defined as an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.
- In the case of a veteran of the Armed Forces, a serious injury or illness is defined as an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

During a single 12-month period, an eligible employee is entitled to a combined total of 26 workweeks of military caregiver leave and leave for other FMLA-qualifying reasons.

#### ELIGIBILITY REQUIREMENTS

Employees are eligible if they have worked for the Town for at least 12 months, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the Town within 75 miles.

#### DEFINITION OF SERIOUS HEALTH CONDITION

A serious health condition is an illness, injury, impairment or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 full consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment; incapacity due to pregnancy; or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

The two visits must occur within a 30-day period, which begins with the first day of incapacity, absent extenuating circumstances that prevent the follow-up visit from occurring as planned by the health care provider. The first visit must occur within seven days of the first day of incapacity.

#### BENEFITS AND PROTECTIONS

During FMLA leave, the Town must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

If the employee is designated a key employee, he/she may not be entitled to return to the same job at the conclusion of FMLA leave. A "key employee" is a salaried FMLA-eligible employee who is among the highest paid 10% of all the employees employed by the Town within 75 miles of the employee's worksite. Should the Town determine that substantial and grievous economic injury would result from reinstatement at the scheduled end of leave, the employee will be notified of that fact in writing and will be given an opportunity to forgo taking the leave if leave has not yet begun or to end the leave and return to work. If the employee remains on leave after receiving notice and the opportunity to return to work, he/she will not have a right to be restored to employment at the end of the leave.

#### USE OF LEAVE

An employee does not need to use his/her FMLA leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

#### SUBSTITUTION OF PAID LEAVE FOR UNPAID LEAVE

The Town requires use of accrued paid leave while taking FMLA leave, if available. However, an employee will only be required to use accrued sick leave when the reason for the FMLA leave is the employee's own serious illness. In order to use paid leave for FMLA leave, employees must comply with the Town's normal paid leave policies.

#### EMPLOYER NOTIFICATION REQUIREMENTS

The Town will inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required, as well as the employees' rights and responsibilities. If they are not eligible, the Town will provide a reason for the ineligibility.

The Town will notify employees of their eligibility to take FMLA leave (or a change in eligibility status) within five business days after they request FMLA leave, absent extenuating circumstances.

The Town will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement within five business days. If the Town determines that the leave is not FMLA-protected, it will notify the employee. Only one designation notice is required for each FMLA-qualifying reason per leave year, regardless of whether the leave is taken as a continuous block or on an intermittent or reduced schedule basis.

#### EMPLOYEE NOTIFICATION REQUIREMENTS

Employees must provide 30 days' advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the Town's normal call-in procedures.

Employees must provide sufficient information for the Town to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider or circumstances supporting the need for military caregiver leave. Employees also must inform the Town if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

#### UNLAWFUL ACTS BY EMPLOYERS

FMLA makes it unlawful for the Town to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for the involvement in any proceeding under or relating to FMLA.

#### ENFORCEMENT

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.



FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights

## **Fighting**

Fighting will not be tolerated on Town premises at any time, for any reason, except in rare instances of self-defense. If a fight does occur, the immediate supervisor will interview all witnesses to get the facts as to who started the fight and why. Employees will be expected to cooperate in any such investigation. Those found guilty of fighting will be subject to discipline, up to and including discharge. Any employee who strikes a manager or supervisor for any reason may be subject to immediate discharge.

Employees who threaten violence in the workplace may be subject to immediate termination. No talk of or joking about violence will be tolerated. The Town broadly defines fighting and violent tendencies to include physically harming another, shoving, pushing, harassment, intimidation, coercion, brandishing weapons, and threats or talk of violence.

Any private conversations overheard that constitute physical threats against other individuals can and will be used as the basis for discipline, up to and including termination.

It is everyone's business to prevent fighting in the workplace. Employees can help by reporting any incident that may involve a violation of our policy to provide a safe and comfortable workplace environment. All reports will be investigated and information will be kept confidential, except where there is a need to know in order to find a solution to the problem.

## **Financial Reporting**

Employees are prohibited from setting up or maintaining any unrecorded fund, reserve, asset, or special account for any purpose. No false entries shall be made in Town books, records, or accounts and no payment or transfer of funds or assets shall be made for any purpose other than that specifically authorized by the Town.

Employees are responsible for accurate and timely record-keeping for all Town assets, revenues, and expenses. Compliance with accepted accounting rules and controls is required. All books, records, and documents must accurately and completely describe the transactions they represent.

No employee should falsify, alter, or destroy any account, record, or other business-related document.

No employee should disclose or use "inside" information that isn't generally known to the public and that could influence a person or business decision.

### **Gifts and Entertainment**

Employees may not accept money, objects of value, or premiums from any person or company that is seeking to do business with the Town. Providing excessive gifts or entertainment to others who may represent potential business is also prohibited. Employees are only allowed to accept gifts of nominal value (under \$ 25.00) or that bear a supplier logo.

Similarly, employees and members of their immediate families may not accept any discount on personal purchases of products from a Town supplier if it can be perceived as a strategy to influence the business relationship. Discounts from suppliers that are made available to all Town employees are acceptable.

#### Off-Duty Conduct

While the Town respects the privacy of its employees and does not seek to interfere with employees' off-duty conduct, certain types of off-duty conduct may interfere with the Town's legitimate business interests.

Employees are expected to conduct their personal affairs in a manner that does not adversely affect the Town's integrity, reputation, or credibility, or compromise the safety of its employees, residents, customers, or clients. Off-duty conduct that adversely affects the Town's legitimate business interests or an employee's ability to perform his/her job will not be tolerated and will be subject to discipline, up to and including discharge, consistent with the law.

#### Outside Business Interests

No employee should establish or maintain an outside business interest that would cause any types of conflict. In addition, no employee may have any personal financial dealings with any individual or business organization, other than a regulated financial institution, that furnishes merchandise or supplies property or services to the Town. This includes receiving loans (other than bank loans), commissions, royalties, property interests, or anything else of value. No employee should maintain an investment in any such business.

#### Outside Employment

No employee of the Town shall accept simultaneous employment with another firm when that employment would present a conflict of interest. Conflicts include, but are not limited to employment with a supplier of the Town and if the hours or conditions of the other job interfere with the employee's performance for the Town.

#### Political Activities

Employees are encouraged to support political candidates of their choice by active support as well as by voting. All such activity must be on the employee's own time. There must be no use of Town facilities and the employee must not be perceived as acting on behalf of the Town.

## **Gifts**

To avoid even the appearance of a conflict of interest and to demonstrate the Town's commitment to the highest ethical standards, employees are prohibited from accepting gifts or gratuities from individuals and firms with which the Town does business. We feel the acceptance of such gifts is unprofessional and places employees in compromising positions that aren't in the best interest of the Town.

Employees are also prohibited from giving gifts to clients and customers who do business with us. No employee will give or accept any cash, gifts, special accommodations, favors, or use of property or facilities to or from suppliers, vendors, or customers.

Similarly, employees and members of their immediate families may not accept any discount on personal purchases of products from a Town supplier if it can be perceived as a strategy to influence the business relationship. Discounts from suppliers that are made available to all Town employees are acceptable.

Employees are allowed to participate in business-related functions and activities that occur in conjunction with exhibits, meetings, seminars, and presentations involving lunches, dinners and entertainment.

Employees are not allowed to accept invitations to hunting, fishing, golfing, etc., trips or other sporting events from current or prospective Town suppliers or contractors that may create feelings of Town obligation. If employees can show that such activities will serve a useful business purpose, such invitations may be approved by management.

Employees should select and deal with those who are doing or seeking to do business with the Town in a completely impartial manner without any considerations other than the best interests of the Town. Any appearance of possible impropriety must be avoided.

If there is any question as to the propriety of any gift or activity, it should be rejected as contrary to Town policy. Employees receiving gifts that are prohibited by this policy should return them to the donor immediately with an explanation.

If it is not possible to return the gift, it should be given to a charitable organization. Management and the donor should be informed of this action as soon as possible.

Employees are allowed to accept gifts of nominal value (under \$ 25.00) or that bear a supplier logo.

## **Final Pay**

Upon termination of employment, employees will receive their final pay on the next regular payday following termination. All accrued, vested benefits that are due and payable upon termination also will be paid at this time. Other accrued benefits, such as benefits under retirement or savings plans, will be distributed under the terms of those plans.

## **Grievances**

An employee grievance procedure is available to employees as a fair and effective means to resolve work-related complaints and problems. By using the procedure, employees can call upon their supervisors and Town executives to evaluate their cases and decide whether or not they have been treated fairly.

Employees can use the procedure when they feel a work-related decision is not consistent with established Town policies and practices, including those outlined in our employee handbook.

The party with the grievance shall, within ten (10) calendar days of occurrence of same, reduce the grievance to writing and submit it to the immediate supervisor in the department in which the grievance occurred. The immediate supervisor shall meet with the said party within five (5) working days of the receipt of such grievance and use his/her best efforts to settle the dispute and shall issue a written decision within (5) working days of such meeting. If the said party is not satisfied with the decision rendered by the immediate supervisor and elects further processing, they may, within ten (10) working days, submit the grievance to the Town Manager who shall meet with the party within five (5) working days of receipt of such grievance and use his/her best efforts to settle the dispute. The Town Manager's decision shall be submitted in writing to said party within five (5) business days of such meeting.

Where employees believe it would be inappropriate to discuss their grievances with their immediate supervisor, they may bypass the supervisor and seek assistance from the next level of management, the Town Manager or the Human Resources department.

Grievances may include, but are not limited to, such issues as discipline, transfer, job posting, selection, unfair assignment of vacation or holiday time, a personal request that was denied, etc. Where there is an applicable collective bargaining agreement, the grievance procedures provided therein shall control for those employees covered by said agreement.

Employees cannot use the procedure to appeal decisions related to the Town's responsibility to determine direction or strategy, or operating decisions such as the number and assignment of employees, establishment of rules of conduct, determination of the hours and days of work, starting and quitting times, wages and benefits, etc.

The Town will not permit any supervisor, manager, or employee to engage in any form of retaliation against any employee availing himself/herself of the grievance procedures.

## Harassment

The Town of East Hampton is committed to providing its employees with a professional and productive working environment where co-workers are treated with courtesy and respect. Therefore, it is the Town's goal to promote a workplace that is free from harassment. The Town prohibits all forms of illegal harassment of employees by supervisors, co-workers, clients, vendors, and visitors.

Harassment consists of verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, sexual orientation, disability, age, national origin, marital, military, or union status, or any other characteristic protected by law that has the purpose or effect of creating an intimidating, hostile, or offensive work environment, has the purpose or effect of unreasonably interfering with an individual's work performance or otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; and the display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group.

Sexual harassment is also strictly prohibited under this policy. It is against Town policy for any employee to sexually harass another employee by:

- making unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature a condition of the employee's employment;
- making submission to or rejection of such conduct the basis for employment decisions affecting the employee; or
- creating an intimidating, hostile, or offensive working environment by such conduct.

Sexual harassment refers to behavior which is not welcome, which is personally offensive, which fails to respect the rights of others, and which interferes with an employee's work performance. Sexual harassment may take many forms including, but not limited to, the following:

- *Verbal:* sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, and threats.
- *Non-verbal:* sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, or obscene gestures.
- *Physical:* unwanted physical contact, including touching, pinching, brushing against the body, coerced sexual contact, and assault.

A complaint procedure is available to employees to report all types of harassment. If an employee feels that he/she is being harassed by a supervisor, co-worker, client, vendor or visitor because of his/her race, color, religion, sex, sexual orientation, disability, age, national origin, marital, military, status or any other characteristic protected by law, he/she should report it immediately to his/her supervisor. If the supervisor is the person who is harassing the employee, the employee should file the complaint directly with the Town Manager or Human Resources Department.

The Town Manager, Human Resources Department or an outside investigator will investigate all allegations of harassment in a timely and confidential manner. Information regarding the complaint will not be released to third parties or persons within the Town who are not involved with the investigation. This is to protect the confidentiality of the employee who complains to encourage the reporting of incidents of harassment and to protect the reputation of any employee wrongfully charged with harassment.

An investigation of the complaint will normally include an interview with the persons involved, named or apparent witnesses, or any other co-workers or employees who may have knowledge of the situation.

The investigation will include a thorough review of files and other tangible evidence. The investigator will make every reasonable attempt to rationally and objectively resolve any questions of credibility between the complaining and the accused employees.

If the investigation reveals harassment, prompt and appropriate disciplinary action up to and including discharge that is designed to stop the harassment and prevent its reoccurrence will be taken.

Information obtained during the course of an investigation will be maintained in confidence, consistent with the law. It will be released only to individuals who have a need to know, e.g., individuals who will enable the Town to investigate the charges thoroughly.

Individuals who knowingly make false statements during the course of a harassment investigation may be subject to discipline, which may include discharge. All employees are expected to cooperate fully with such investigations. Failure to cooperate fully may lead to discipline, which may include discharge. However, the mere fact that a claim of discrimination is not substantiated (or is withdrawn) must not lead to any adverse employment action, and the Town understands its obligation to avoid unlawful retaliation.

Retaliation against an individual for reporting harassment or for participating in an investigation of a claim of harassment is a serious violation of this policy and, like harassment itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

## **Hiring**

The Town of East Hampton is an equal opportunity employer and will not discriminate in the hiring process on the basis of sex, religion, race, color, age, disability, sexual orientation, marital or veteran status, national origin, or genetic information.

The Town will always try to hire the best qualified applicant. New positions for which the Town advertises will be posted for all current employees to see. Files of applicants will be maintained as required in the Human Resources Department. We will review these files to seek new employees.

The Town will conduct its employee selection policies and procedures so as to achieve the best possible match between applicants for jobs and open positions. In no way will any Town employee or manager exert personal or professional prejudice against any applicant because of sex, sexual orientation, color, race, religion, age, disability, marital or veteran status, national origin, or genetic information.

Job applicants will be assessed on the basis of their ability to perform the job for which they are interviewing, without regard to non-job-related criteria.

Reference checking is an important part of our hiring process.

In some cases, we ask an outside firm for a consumer report. In such instances, applicants will be notified before the report is requested and asked for written authorization to obtain the report. If the Town intends to rely on the report for not hiring the applicant, we will give the applicant a pre-adverse action disclosure that includes a copy of the individual's report and a statement of his/her rights under the Fair Credit Reporting Act before taking the adverse action.

After taking the adverse action, we will give the applicant notice orally, in writing, or electronically, that the action has been taken in an adverse action notice, which will include:

- a. the name, address, and phone number of the consumer reporting agency that supplied the credit report;
- b. a statement that the agency that supplied the report did not make the decision to take the adverse action and cannot give specific reasons for it; and
- c. a notice of the individual's right to dispute the accuracy or completeness of any information the agency furnished, and his/her right to an additional free report from the agency upon request within 60 days.

Applicants who falsify their job applications or who furnish misleading information are subject to immediate termination at the time that the falsification is uncovered, *or shall be barred from further consideration of their application.*

Both solicited and unsolicited employment applications for a specific position will be kept in an active file for 90 days from the date that the application is completed. Once an application reaches the "expiration" date, it will be removed from the active file and stored or destroyed as required by law.

It is our policy to comply with the immigration laws of the United States and to employ only those persons who are authorized to work in the United States. Accordingly, all employees are required to complete Form I-9, Employment Eligibility Verification, and establish their legal right to work in this country.

All offers of employment are conditioned on the individual establishing the right to work in this country. Within three (3) days of the first day of work, all individuals will be required to produce documents acceptable under government regulations to establish that right.

All job candidates will be required to provide proof of work eligibility and identification and complete the employee portion of the I-9 Form. This rule applies to former employees, but not those who return from leaves of absence or who are transferred within the Town.

The first 120 days of a new hire's employment is an introductory or probationary period established to benefit both the employee and the Town. It is a period of adjustment and adaptation in terms of learning job requirements and work rules. If at any time during this period the employee is unable to adapt successfully to the job, the department, or the Town,

employment can be terminated immediately. Despite the introductory period, employees can be discharged at any time for any reason, *either during or following the completion of said probationary period.*

## Holidays

The holiday schedule will be determined and publicized several weeks before the start of the new year.

The Town observes the following holidays:

- New Year's Day
- Martin Luther King Day
- President's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veteran's Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day
- Two (2) floating holidays (after successful probationary period).

If a holiday occurs during an employee's paid leave, the holiday time will not be deducted from his/her leave bank.

All full-time, non-exempt employees will receive holiday pay based on their usual number of hours worked in a day times their regular rate of pay.

## Inclement Weather

Employees are expected to show up for work regularly and on time. Occasionally, however, weather may become a factor and employees should use caution in dangerous weather conditions.

In case of severe weather, employees must look out for their own safety. However, this doesn't mean a free day off. Unless management has closed the Town facilities, employees are expected to come to work.

Generally, all employees are expected to report to work unless heavily used routes have been closed due to extreme weather. Quite often, bad weather conditions are localized in our area and simply by waiting, you may be able to safely arrive at work later in the day. Under these circumstances, you should call your immediate supervisor to advise them of the poor weather conditions in your area and your expected time of arrival. All offices will be open to the public unless specifically granted permission to close by the Town Manager.

If you believe that the weather conditions are occurring generally in our area, you should try to contact your supervisor at home or call the office to determine if it will be closed. If the office is closed during the day to permit employees to leave early, employees will be paid for actual hours worked. Employees who do not report to work when the office is open will not be paid for the day. It may be necessary to work longer hours in the week due to a closing. Overtime pay will be paid to non-exempt employees according to union contracts.

The Town of East Hampton will not be responsible for any personal injuries or property damage if you attempt to arrive to work. You should use your best judgment in deciding whether it is reasonable for you to attempt to get to work. It is the Town of East Hampton's policy to continue operations despite inclement weather conditions unless an emergency threatens to make employee transportation to or from work impossible.

If the facility remains open and employees choose not come to work, they may use accrued leave time with supervisor's permission.

No wage/salary decisions will transgress the requirements of federal and state regulations.

## **Insubordination**

Refusal of a legitimate order, physical reactions, or the use of obscene or otherwise objectionable language to a supervisor or manager, among other actions, are considered insubordination. They undermine the discipline and authority needed in the workplace and cannot go unchallenged. Insubordination may result in discipline, up to and including discharge.

The best way for employees to avoid this problem is to follow the order given by a supervisor or manager, then later question or challenge it through the dispute resolution procedure.

Employees never have to carry out an order that is unsafe or may result in death or serious injury.

## **Internet**

Access to the Internet has been provided to employees for the benefit of the Town. Therefore, every employee has a responsibility to maintain the Town's image and to use the Internet in a productive and useful manner. Internet access is for Town business,

Internet users must recognize that all messages created, sent, or retrieved over the Internet are the property of the Town, and should be considered public information. Employees who use Town computers to access the Internet consent to having their Internet transmissions and retrievals accessed and monitored by the Town.

Since the Internet is an open communication link, confidential information must not be transmitted or received over the Internet.

To prevent computer viruses from being transmitted through the system, there will be no unauthorized downloading of any software. All software downloads will be done through the IT Department and will be checked for viruses.

Keep in mind that information downloaded over the Internet may be subject to copyright laws or license agreements. Failure to observe copyright or license agreements may result in disciplinary action by the Town and/or legal action by the copyright owner.

Internet users must not send or receive any form of derogatory or harassing remarks, including comments based on age, disability, national origin, political affiliation, race, religion, sex, or sexual orientation.

No sexually-oriented or pornographic information or images may be sent, received, or accessed using Town or personal computers during working hours. In the event employees inadvertently encounter sexually-explicit material while browsing the Internet, they should immediately



disconnect from the website. Employees who voluntarily view pornographic websites at work will be subject to discipline, up to and including discharge.

Employees are prohibited from disclosing confidential information over Internet message boards or web logs (also known as blogs). (See Social Networking Policy). Similarly, employees may not use external message boards or blogs to disparage or defame the Town and/or its services. Inappropriate use of any Internet-based electronic communications may be subject to discipline, up to and including discharge.

The Internet should not be used for personal gain, such as soliciting or operating a non-Town business. Use of the Internet must not interfere with the Town network or the work of others. Also, it must not interfere with your productivity.

Use of Town electronic communications systems, including Internet access and e-mail, is not guaranteed to be private. As such, the user does not have an expectation of privacy in his/her use of such systems and the Town reserves the right to monitor the use of such systems to ensure compliance with policies and use guidelines by, e.g., bypassing passwords where appropriate. The Town reserves the right and may monitor phone calls, work areas, and computers and any other use of Town equipment or property without prior notification to employee, consistent with federal and state law.

Unauthorized use of the mail system or electronic communications, including e-mail and facsimile machines will be subject to the disciplinary procedure and could lead to termination.

## **Investigations**

The Town will launch an investigation any time it has reason to believe that a law or policy has been violated. As far as workplace harassment is concerned, the Town will investigate any complaint it receives, even if the complainant requests that nothing be done.

If employees ever at any time have any questions regarding the policy or the procedures of an investigation, they should not hesitate to contact the Town Manager or the Human Resources Department. The Town reserves the right to use any lawful method of investigation, which, in its sole discretion, it deems reasonable and necessary to determine whether any employee has engaged in conduct warranting disciplinary action.

Immediately upon receipt of an allegation or incident of misconduct or other policy violation, the Town Manager will assign an investigator to the case. The investigator will make every effort to interview the complainant, the accused employee, witnesses, the employee's immediate supervisor, and any other persons whose statements could assist in the resolution of the situation. Individuals who make false statements during the course of an investigation may be subject to discipline, up to and including discharge.

The investigator will also review all appropriate files, records, and any other available documentation in an effort to corroborate the statements made and help reach a resolution.

Once the investigation is complete and the Town determines that misconduct or some other policy violation has occurred, it will take immediate and appropriate corrective action to discipline the accused and prevent the conduct from occurring in the future. The Town retains the right to discipline behavior that it deems inappropriate and unprofessional, regardless of whether it is illegal.

The Town will inform the complaining employee of the outcome of the investigation and of the internal remedies available. Only those employees with a legitimate need to know will be made aware of the results of the investigation.

In the course of an investigation, employees may be required to participate in an investigative interview. Failure to cooperate with the Town may result in discipline, up to and including discharge. However, the Town will in no way physically or verbally restrain an employee from leaving an investigative interview, nor will it detain an employee for an unreasonable amount of time. An employee's failure to answer any questions during the interview will be considered a refusal to cooperate with the investigation and will lead to disciplinary action, up to and including discharge.

The Town will make every effort to protect the privacy rights of employees interviewed in the course of an investigative interview. However, employees are not entitled to total confidentiality since the information obtained may need to be corroborated by another employee. The investigator will not however, divulge any unnecessary information. Conversely, employees who are interviewed during an investigation are required to maintain strict confidentiality about the contents of the interview and may be asked to sign a confidentiality agreement.

## **IPODS**

The Town permits employees to bring iPods, MP3 players, and other portable music devices to work. However, it expects employees to adhere to the following guidelines to ensure their proper and safe use.

Employees may listen to music quietly at their desks, but the volume level must be kept low so that it does not block out voices or disturb co-workers. Employees who abuse this privilege will be prohibited from listening to their iPods or other portable music devices during working hours. Use will be restricted to breaks and lunch hours.

Employees are prohibited from walking around the office, attending meetings, or meeting with clients while listening to their iPods or other portable music devices and wearing headphones in their ears.

When discussing work-related matters with a manager, supervisor, or any other employee of the Town, no matter how brief the exchange is, employees must remove their headphones.

Use of the company's computers to download music onto employees' iPods or other portable music devices is strictly prohibited.

Employees are strictly prohibited from downloading onto their iPods or other portable music devices any confidential or proprietary information from Town computers.

Town-issued iPods or other portable music devices for training and communication purposes may not be used to download personal music or videos. Also, all Town-supplied iPods or other portable music devices must be returned to the Town immediately upon employees' voluntary or involuntary termination.

Listening to an iPod or other portable music device while driving a Town-issued motor vehicle is strictly prohibited. Similarly, the Town prohibits employees from listening to a Town-supplied iPod or MP3 player through headphones while driving either a personal or Town vehicle.

## **Job Abandonment**

Employees who are absent from work for three (3) consecutive business days or more without calling in and notifying their supervisor of the reason for their absence are deemed to have

abandoned their jobs. Job abandonment also occurs when employees fail to return to work or directly notify their supervisor of the reason for their absence within three (3) consecutive business days after the end of any approved leave of absence or disciplinary suspension or recall from layoff status.

Extenuating circumstances such as a medical emergency that prevent an employee from contacting the Town regarding an absence, will be given appropriate consideration.

When an employee is considered to have abandoned his/her job, the employee shall be considered to have voluntarily resigned, with prejudice, and will be ineligible for rehire.

## **Jury Duty**

The Town does not discriminate against, penalize, threaten, or coerce employees who are on jury duty. We will abide by all federal and state regulations regarding time off, pay, reinstatement, and notice.

To qualify for jury or witness duty leave, employees must give advance notice of the need for time off. A copy of the summons must accompany the request. In addition, proof of service must be submitted to the supervisor when jury or witness duty is completed.

If employees are excused from duty early or are not required to be present in court, they are expected to be on the job. They must notify their supervisor as soon as possible after they receive notice of jury duty. If their absence would result in a hardship to the Town, we may petition the court to excuse them from jury duty.

The Town will provide jury leave for regular, full-time employees ordered to serve on jury duty, precluding their being available for work. In such cases, the employee shall receive that portion of his regular pay, which will, together with jury pay, equal his total salary for the same pay period. All employees required to serve on a jury or to participate in a judicial selection process will be granted time off to accommodate the necessary schedule; time off with pay will only be provided to the extent that pay is required under state law (Conn. Gen. Stat. §51-247). Currently, only full-time employees are entitled to receive pay for time lost during work for the first five days of jury duty; after that time, such an employee will receive time off without pay. Part-time employees will receive time off without pay for jury duty. Employees are permitted to retain the allowances received from the court of such service. Employees are required to report to work during any portion of a scheduled workday not requiring presence relating to the jury duty assignment.

All employees are allowed time off if summoned to appear in court as a witness. This time will be unpaid. In the event an employee is subpoenaed to serve as a witness on Town matters, time off with pay will be granted.

To qualify for jury or witness duty leave, employees must submit a copy of the summons to serve to their supervisor, as soon as it is received. In addition, proof of service must be submitted to the supervisor when jury or witness duty is completed.

## **Leaves of Absence (Unpaid)**

Employees may find that personal, health, or family problems make it necessary to be absent from work for extended periods. Requests for leaves of absence without pay for limited periods

will be considered by management, depending on the reasons and circumstances for the request.

Management retains the right to deny the requested leave of absence unless required under the federal Family and Medical Leave Act (FMLA), state or other local law.

In addition to other leaves mentioned herein, regular full-time and part-time employees with one year of service may be granted an unpaid emergency leave of absence. Such leave of absence may be taken only when approved by the Town Manager, at his/her sole discretion and based on business needs. In addition, such leave will only be granted where it does not seriously disrupt operation and is in the best interest of the Town. Unless otherwise provided by law, such leave shall be without any pay or benefits and the employee will not accrue/earn any leave time.

Unless otherwise provided by law, re-employment and/or return to the same or equivalent position is not guaranteed. An employee who fails to report to work the first day after the expiration of his/her leave shall be deemed to have resigned.

Employees must submit a written request to their supervisors explaining the reason for the request and the anticipated length of the absence. Advance notice of 30 days is required when foreseeable.

Leaves of absence are not intended for employees who are leaving their employment and do not plan to return to work at the Town.

All applicable accrued paid leave remaining at the time the leave of absence begins must be used at the beginning of the leave. After those days are used, the remaining leave becomes "unpaid."

The Town requires fitness-for-duty certification from all employees on a medical leave of absence, not just those returning from FMLA leave. In compliance with the FMLA, the Town only seeks certification that pertains to the condition that caused the need for the employee's FMLA leave; and only with consent of the employee; and will not seek second opinions since an employee's fitness-for-duty certification cannot be challenged.

When practicable, the employee is requested to contact the supervisor at least 2 weeks prior to the expiration of the leave to confirm intent to return to work.

When possible, modified work assignments will be made available to employees to facilitate the return to full duty after they have suffered an absence due to an injury or illness. Modified duties must meet the Town's staffing needs as well as accommodate the employee's medical restrictions while taking into consideration the welfare and safety of the employee, his/her co-workers, customers, and/or clients.

To be eligible for a modified work assignment, the employee's injury/illness must be temporary, not permanent, and must prevent the employee from performing the full duties of his/her position for a minimum of two weeks.

## Life Insurance

Group term life insurance shall be one (1) times the annual salary rounded to the highest one thousand (\$1,000) dollars up to a maximum of \$125,000. Benefit is reduced to 50% upon reaching age 70. Please refer to policy for additional details. This benefit is subject to change.  
Longevity Payments

## Longevity Payments

Longevity pay will be paid annually after the employee meets the service requirement as follows:

5 years	\$ 200.00
10 years	350.00
15 years	500.00
20 years	650.00
25 years	800.00
30 years	950.00
35 years	1,100.00

Annual longevity payments shall be made in full upon the anniversary date of employment.

This benefit is subject to change.

## Medical Care Insurance

The Town will provide insurance coverage for all regular, full-time employees and their dependents. This benefit is subject to change.

Currently the following benefits being offered are:

Each employee shall choose either Plan A or Plan B for the ensuing fiscal year or may exercise the option offered in Section 2 in lieu of accepting medical insurance Plan A or B. Future changes in coverage for employees and dependents may only be made as of each July 1, or when there is a qualifying event (such as marriage or divorce, birth or adoption of a child, death of the employee's spouse or other dependent or termination of employment of the spouse in accordance with IRS Section 125 regulations). The annual selection period for choice in medical coverage shall be from May 1<sup>st</sup> to May 31<sup>st</sup> to be effective on July 1<sup>st</sup>.

### A. Plan A

Anthem Blue Cross and Blue Shield Century Preferred Provider Program with Managed Benefits Prescription Drug Rider to \$800 annual maximum per member, with a member pharmacy co-payment purchase amounts according to the following schedule:

- \$5.00 - Generic prescriptions
- \$10.00 - Name brand prescriptions
- \$3.00 - Mail order prescriptions

The employee shall pay the following premium cost share for Plan A by automatic payroll deduction: 14% for fiscal year 2011; 15% for fiscal year 2012.

B. Plan B

Anthem Blue Cross and Blue Shield BlueCare POS Plus  
Prescription Drug Rider with unlimited annual maximum per member, with a member pharmacy co-payment purchase amounts according to the following schedule:

\$3.00 - Generic prescriptions  
\$6.00 - Name brand prescriptions  
\$0.00 - Mail order prescriptions

The employee shall pay the following premium cost share for Plan B by automatic payroll deduction: 14% for fiscal year 2011; 15% for fiscal year 2012.

An employee who elects not to accept the health insurance benefits shall be remunerated in the amount of Five Hundred Dollars (\$500) at the end of each quarter of the year, effective with the quarter beginning July 1, 2006; provided, however, said employee shall furnish to the Town evidence satisfactory to the Town that said employee carries, individually or through members of his immediate family, insurance coverage similar to or better than that offered by the Town in this Article. Such person choosing this option shall not be able to change his decision prior to the end of each quarter, and the Town shall be relieved of its responsibility to provide such coverage during the previous quarter.

The Town reserves the right to change insurance carriers and to alter and/or eliminate the above-described benefits at any time.

In the event an employee is separated from employment, the employee may have the right to continued health insurance coverage under the federal COBRA rules and regulations.

## **Military Leave**

The Town will grant military leaves of absence as required by federal and state law and by the needs of employees who are members of the military service. The Town makes it a policy not to discriminate in any way against employees who are members of the military. An employee's job will not be in jeopardy if a military leave of absence is requested or taken.

Employees are required to give the Town advance notice of their need for protected leave. The notice may be either written or verbal and must indicate that the leave is based on uniformed service.

Generally, notice of the need for leave must be given as soon as practical. No prior notice is required if it is precluded by military necessity or such notice is impossible or unreasonable.

The duration of the leave will be the term of enlistment plus any additional time that may be required by the government. It will include a reasonable allowance of time for travel and adjustment.

Employees may, but are not required to, substitute accrued paid time (e.g., personal days, vacation days) for any unpaid military leave of absence.

On return from military leave of absence, the employee will be reinstated to the position he/she would have attained if not for the military service, his/her pre-service position, or a comparable position, as required by law.

To be entitled to reinstatement to the same job, the individual must still be qualified to perform it. If the individual needs to acquire or practice job skills, a reasonable time will be granted for this purpose.

If the employee is not qualified for his/her former position because job skills have changed or the individual has a disability, then the employee will be allowed to attempt to qualify for a similar job.

The Town reserves the right to deny reinstatement under the following limited circumstances:

- The Town's circumstances have changed so much that reemployment is impossible or unreasonable.
- Helping the service member to become qualified for reemployment would pose an undue hardship.
- The service member held a "brief, non-recurrent job" prior to being called to military service.
- The service member's reemployment documentation doesn't pass legal muster.

The Town will provide continued health care coverage for up to 24 months to any employee who has been called to active military duty. For military service of less than 31 days, the individual is only required to pay the usual employee share of the premium. If military service is longer than 31 days, the individual is required to pay 100% of the full premium.

If the employee fails to provide advance notice of his/her need for military leave and does not elect continuation coverage, the Town may cancel the employee's health insurance. However, if the employee's failure to give advance notice was excused because it was impossible, unreasonable, or precluded by military necessity, the Town must reinstate the employee's health coverage retroactively upon his/her election to continue coverage and payment of all unpaid premiums.

If an employee leaves employment for uniformed service in excess of 30 days after having given advance notice but without electing continuation coverage, the Town may cancel the employee's health insurance. However, it must retroactively reinstate uninterrupted coverage to the date of departure if the employee elects continuation coverage and pays all unpaid premiums within the periods established by the plan.

Similarly, the Town may cancel health insurance coverage if the employee elects, but does not pay for, continuation coverage.

Employees who are on leave for military service are entitled to accrue seniority-based rights or benefits they would have attained had they remained continuously employed. When veterans are available to return to work, they are entitled to all seniority-based benefits held prior to being ordered to active duty, as well as any pay increases, promotions, or other benefits that became effective while they were on military leave retroactive to the date they would have been effective had the employee not been required to report to active duty. Military leave will also be treated as service with the Town for pension vesting and benefit accrual purposes.

The Town will treat the accrual of non-seniority-based benefits during military leave no different than for comparable leaves of absence. If the non-seniority benefits to which employees on a

leave of absence are entitled vary according to the type of leave, employees on military leave will be given the most favorable treatment accorded to any comparable form of leave.

The service member is responsible for any benefits costs that he/she would have normally paid while employed or to the extent that other employees on a leave of absence are responsible for such costs.

Eligible employees with a spouse, child, or parent who is on, or who has been called to, active duty in the Armed Forces in support of a contingency operation may take up to 12 weeks of unpaid leave upon experiencing a qualifying exigency.

Eligible employees who are the spouse, child, parent, or next of kin of a covered service member who has incurred a serious illness or injury while on active duty are permitted to take up to 26 weeks of unpaid leave in a single 12-month period to care for the injured service member.

## **Nepotism**

To avoid conflicts of interest and the appearance of favoritism or bias and to enhance supervision, security and morale, the Town generally discourages the employment of relatives. The term "relatives" includes employees' spouse, mother, father, sister, brother, child, stepmother, stepfather, stepsister, stepbrother, stepchild, niece, nephew, cousin, uncle, aunt, grandparent, grandchild, or in-laws within any of these categories.

Employees are not allowed to work in a position where their supervisor is a relative or where a personal relationship interferes with job performance or morale.

No person should be hired for a position when to do so would violate this policy. If such a situation is created through promotion, transfer, marriage or other changes, one of the affected employees may be transferred or terminated.

This policy will be applied in accordance with applicable state and federal laws. Employees who violate the policy will be subject to discipline, up to and including termination. Questions or comments about the policy or its application may be addressed to the Human Resources Department.

## **On-Call**

Employees may sometimes be required by their supervisor to remain on-call outside their regular hours of employment. Employees who are required by their supervisor to remain on-call after their regular workday or workweek should carry a cellular phone or pager at all times.

Employees are expected to respond to the call and travel to work within a reasonable amount of time.

Employees on an approved leave of absence are not subject to being on-call.

Exempt employees who perform on-call duties will receive no additional compensation for this duty, since they are exempt from overtime compensation. Compensatory time will be earned. Please review policy.



## Open Communication

The Town believes that open, respectful, and honest communication between employees is essential. To this end, the Town has adopted open communication procedures for employees to discuss and seek resolution of issues or concerns of any type. The Town requests that these procedures be followed whenever concerns or issues arise.

No employee shall be retaliated against or otherwise treated unfavorably as a result of using the open communication procedures to voice concerns or resolve issues.

In order for the open communication process to be successful, employees must bring forward their concerns in a timely and direct manner and give those involved a chance to resolve it. Both parties are expected to communicate with one another in a calm and professional manner. The Town also requests that all employees involved keep the matter confidential pending the outcome.

Although the specifics of the open communication process vary based upon the seriousness of the situation, the following guidelines should be followed. Any questions about how the process works should be addressed to the Human Resources Department.

- Discuss the concern or issue directly with the employee(s) involved. While there may be circumstances where direct communication may not be feasible, often issues are best resolved between those most directly involved in the matter.
- If direct communication of the concern or issue does not resolve the matter or if direct communication is not possible for some reason, (e.g., in a harassment situation, an employee doesn't feel comfortable talking to his/her alleged harasser) the employee should discuss the matter in a timely manner with his/her supervisor.
- If the supervisor is the one with whom the employee has the issue or if the concern remains unresolved, the employee should next raise the issue with the Human Resources Department and/or Town Manager who shall investigate and mete out discipline, if appropriate.

## Overtime

All non-exempt employees are subject to the overtime pay provisions of the Fair Labor Standards Act (FLSA) and must be compensated for all hours worked.

The Town will make every reasonable effort to distribute overtime as equitably as possible among employees qualified to do the work; however, the Town cannot guarantee such "equity." Employees are expected to work overtime as required. Every effort will be made to find a replacement for an employee who has a previous commitment or emergency situation.

No employee will work overtime without direct authorization from his/her immediate supervisor.

Employees who take their meal breaks at their desks are required to refrain from working during that time. The Town encourages employees to leave their work area during mealtime. Anyone who works during meal breaks will be compensated for the time worked. However, if the work was not authorized by their supervisor, the employee will be subject to discipline.

## **Part-time**

Part-time employees work the days and the hours assigned by their supervisor with approval of the town manger. All part-time employees shall receive an hourly wage only. Part-time employees shall not be entitled to fringe benefits such as holidays with pay, sick leave with pay, vacation time off with pay, or medical coverage.

## **Pay**

The Town will follow the rules and regulations set forth by federal and state labor laws.

We make every effort to track the latest laws and regulations and abide by their guidelines, including legislation that periodically raises the minimum wage, sets training rates and increases overtime rates. If state law is more generous than the applicable federal rates, we will apply that rate to our pay practices.

The workweek begins on Sunday and ends on Saturday; unless specified in your union contract.

Employees will be paid on a bi-weekly basis and will be paid on Thursday. Paychecks will be released to employees after 12:00 noon. If the designated wage payment date falls on a holiday, employees will be paid on Wednesday. Direct deposit of paychecks shall be available at the option of the employee.

The Town expressly prohibits any employee from filling in, changing, or damaging any other employee's time record. It is a violation of Town policy to change or falsify a time record. Any employees who do so may be suspended or terminated at the discretion of the supervisor and department head.

Applicable federal, state, and local income taxes, as well as federal Social Security taxes, are withheld from each paycheck. The Town reserves the right to obey all laws that pertain to payroll, including garnishments.

## **Performance Appraisals**

Employees' performance will be appraised at least every 12 months by their immediate supervisor. The formal review will consist of a written appraisal followed by a discussion of the evaluation. Informal reviews should be conducted on a continuing basis.

Employees will be advised 30 days in advance of the performance appraisal so that they will have time to prepare personal thoughts and any written comments they may wish to add to the report.

Performance appraisal is a continuing process. During the appraisal period, the supervisor should counsel the employee regularly, note areas where the employee appears to be in need of improvement, and discuss these informally with the employee.

The appraisal's purpose is to help supervisors evaluate performance in an objective, consistent, and uniform manner. It will be based on job performance and employee qualifications, which will be based on each position's job description and work standards.

Subjective factors, such as personal habits and outside activities, will not be considered.

Supervisors should establish expected performance standards for each employee in consultation with the employee at the beginning of the rating period. For each basic requirement, a performance goal should be established for each rating period and each employee. To the greatest extent possible, the standard should be written so that the success or failure can be easily determined, and the result will not depend solely on the personal judgment of the appraiser.

Employees will have the right to express disagreement with any points made, correct any inaccuracies, and make written comments concerning all aspects of the appraisal.

Employees are encouraged to use performance appraisals as an opportunity to openly discuss with their supervisors their career and personal goals and how they plan to meet them. They should also feel free to bring up any difficulties in their relationships with their supervisor in an open and constructive manner.

## **Personal Appearance**

Dress, grooming and personal cleanliness standards contribute to the morale of all employees and affect the image the town presents to its residents, visitors and others. During work time, employees are expected to present a clean, neat appearance and to be dressed in attire suitable to the job duties. Also see dress code policy.

## **Personal Time**

Managers and employees have the responsibility to plan schedules that meet operating requirements of the department and time off needs of the staff. In order to balance and meet service and staffing requirements, workers and supervisors should plan time off schedules well in advance with the exception of unplanned illnesses and emergencies.

A full time employee who has successfully completed the entry-level probationary period may be granted paid personal leave days. Such days may only be taken with the permission of the employee's immediate supervisor, which will not be unreasonably denied, and used for necessary personal business that otherwise cannot be conducted outside of the work day.

Three (3) personal leave days will be granted to each employee at the beginning of each fiscal year. Personal leave days not used in one fiscal year will not accrue into any later fiscal years. Pay shall be equal to the hourly rate times the number of hours in a regularly scheduled day for each particular employee. At the discretion of the employee's supervisor, personal leave days may be combined with vacation or may be taken with other personal leave days in the same week. Except in the case of an emergency, employees must request permission from their immediate supervisor to take such leave at least 48 hours in advance.

Employees who work less than full time are not eligible for paid personal leave.

Paid personal leave will be charged in 2 hour increments.

Upon the voluntary or involuntary termination of employment, no employee will be paid for any unused personal time.

## Personnel Files

The Town keeps certain records relating to an employee's employment in a personnel file. The documents contained within that file are the property of the Town and must be maintained for government and Town record-keeping purposes.

The following items may be included in employees' personnel files:

- employment application and résumé;
- reference checks;
- job descriptions;
- records related to hiring, promotion, demotion, transfer, layoff, compensation, training, etc.;
- letters of recognition;
- performance evaluations;
- exit interviews;
- termination records;
- training records.

The following records will be maintained in files separate from employees' personnel files:

- medical records;
- equal employment opportunity documents identifying an individual's race and sex;
- immigration forms.

All files connected with an employee are considered strictly confidential, and access will be limited only to Human Resources employees, upper management, and the direct supervisor or manager of an individual employee with a job-related need to know the information and who has been authorized to see the file.

Information contained in employee personnel files will not be made available to non-employees, unless written authorization is obtained from the employee, or a lawful summons, subpoena, or judicial order has been properly served. In general, and where and when appropriate, the Town will notify the employee of such a request when it is received. However, the Town need not inform an employee that personal information has been disclosed to law enforcement agencies if it concerns an investigation into the employee's on-the-job conduct, especially when an employee's actions endanger other employees or Town security and property. However, the Town may also be required to disclose certain personnel records to members of the public, pursuant to requests made under the Freedom of Information Act.

Current and former employees may review their personnel file in accordance with applicable state law. Any employee who wishes to review his/her personnel file should contact the Human Resources Department in writing to arrange for a mutually convenient time to review appropriate material. The Town requires that employees view their personnel files in the offices of the Human Resources Department and in the presence of a Human Resources staff member.

Items in the personnel file may be copied at the expense of the employee.

Any employee who does not agree with the information in his/her personnel file has the right to challenge or appeal the information. Employees may have a statement of disagreement placed within the file. However, records may not be removed.

In the event of pending litigation, managers and supervisors are expected to suspend standard data destruction procedures and to maintain all personnel file documents and records relevant to the complaint.

## **Pregnancy Leave**

It is our policy to treat pregnancy, childbirth, and related medical conditions according to the leave requirements outlined in the Family and Medical Leave Act (FMLA) and the Pregnancy Discrimination Act (PDA). The Town also complies with all applicable local and state laws, in spirit as well as in specific detail.

Should any provision of this policy be found to be inconsistent with an applicable legal requirement, the law shall prevail. All other provisions of this policy that are consistent with the law will remain in effect.

Employees who are granted a leave of absence under the FMLA will be entitled to all appropriate benefits, including 12 weeks of unpaid leave, use of sick leave where necessary due to pregnancy-related illness (including recovery from pregnancy/child birth), continued payment of medical benefits, etc. Pregnant employees are expected to review this policy with the Human Resources Manager soon after they become aware of their pregnancy.

We ask that employees make a written request for pregnancy leave to their supervisors within the first three months of the pregnancy. Their personal physician's certification of their condition, plus the expected date of delivery, must be included in the written request. The amount of time granted for pregnancy leave will be no less than other leaves of absences.

An employee requesting pregnancy leave may also ask for a transfer to another less strenuous or less hazardous position. The request must be in writing and must state the reason for the transfer. The Town will treat transfers due to pregnancy no differently than other leave requests for temporary medical reasons.

With the doctor's approval, employees may continue to work up to their expected delivery date, depending upon their medical circumstances and the nature of their jobs.

In case an employee is physically unable to perform her regular job duties at any time during her pregnancy, and has exhausted all available paid leave, she may request that she be placed on a leave of absence under the guidelines of that policy. At no time will a leave of absence due to pregnancy be required of an employee provided she is able to perform the regular duties of her job.

During any leave taken, employees are expected to inform their supervisors of their intentions, including any changes in their expected date of return to work, as soon as the employee becomes aware of the need for such a change.

The Town will return the employee who meets stated conditions in conjunction with federal and state law to the same or equivalent job she had prior to her pregnancy. We cannot guarantee the exact same job; however, the employee will suffer no loss in employment status.

## **Probationary Period**

All new hires are hired under a six (6) month introductory period. This period is established to benefit both the employee and the Town. The employee should use this time to determine whether or not the position meets his/her expectations. Similarly, the Town will use the

introductory period to determine whether or not the employee has the knowledge and skills necessary to perform the job satisfactorily.

The introductory period is a time for new hires to learn about their co-workers, supervisors, and managers, as well as the job requirements involved in their new position. The Town expects that new hires will also use the time to become familiar with other relevant information about the Town and its rules or regulations.

During the introductory period, the employee's supervisor/manager will work closely with him/her on all aspects of their training and responsibilities. The employee's supervisor may offer advice and counseling when a problem becomes apparent, but is not required to do so. If an employee and supervisor cannot resolve some area of dissatisfaction during the introductory period, either party may terminate the employment relationship without prior notice.

During and after the successful completion of the introductory period, employment with the Town is considered to be at-will. Nothing contained in this manual is intended to create, nor shall be construed as creating an express or implied contract of employment or guarantee of employment for any term. In case of a conflict, any applicable union contract/collective bargaining agreement, ordinance, statute or charter shall control; however, in the absence of such a provision, employment is at-will and may be terminated by the Town or the employee at any time with or without cause.

## **Promotion**

Our Town policy on promotions encompasses the same equal employment opportunity philosophy as our hiring, discipline, and all other decision-making processes.

We will use objective, job-related criteria to make selections; apply the same standards to everyone; and won't raise or lower them for individual employees, consistent with any obligation to provide a reasonable accommodation in certain circumstances.

Factors to be considered in promotions include education, experience in present and previous jobs, performance record, ability, work ethic, and skill.

## **Property**

All employees are expected to exercise care in the use of Town property. Negligence in the care and use of Town property, or unauthorized removal or personal use of Town property, may be cause for discipline. Town property issued to employees, including software, manuals, and proprietary information, must be returned when employment with the Town is terminated, either voluntarily or involuntarily. If Town property is not returned, employees will be responsible for the value of the property.

No employee will remove Town property from the premises without written permission from the supervisor or department head that is responsible for the property in question. Examples of the kind of property subject to this policy are:

- books, office supplies, and equipment;
- confidential literature including contracts, manuscripts, outlines, and reports;
- computer disks, tapes, and other storage media;
- information identified as confidential.

Employees are advised not to bring personal property of value to work. The Town will not be responsible for the loss or theft of personal items on the premises.

Indeed, employees are discouraging from storing personal property in desks, closets, cabinets, vehicles, or other Town property or equipment. Town employees do not have a reasonable expectation of privacy in such Town property or equipment.

In addition, random searches of Town property, including desks and employee vehicles parked on Town premises, can be conducted at any time when there is reasonable cause to suspect or believe that property has been taken, that an employee is guilty of work-related misconduct, that the search is necessary for a non-investigatory work-related purpose such as to retrieve a needed file, or a need to inspect the interior condition of desks and other property for proper maintenance, health, safety and other administrative purposes. Employees' refusal to submit to such a search may be grounds for termination.

To further protect the property and safety of our employees, the Town has the authority to request that an employee open for inspection any personal property (including, but not limited to, briefcases, backpacks, and purses) brought onto, or taken from, Town premises.

If an employee is found to be in possession of Town or other employees' property without authorization or in possession of prohibited items or substances, or the employee refuses to comply with a search request, the employee may be subject to discipline, up to and including termination.

If an employee is found to be carrying Town property without authorization, supervisors may hold the property and allow the employee to obtain a sign-out slip. If the employee fails to obtain such a slip, the supervisor should return the property to the responsible department head along with a report of the incident.

## **Reduction-in-Force**

The Town will attempt to provide appropriate employment for all employees. It is our policy to retain, to the extent consistent with Town requirements, the services of all employees who perform their duties efficiently and effectively. If a layoff is necessary to protect the Town's financial or operational status, it reserves the right to reduce its workforce either permanently or temporarily. It also reserves the right to reduce its workforce when substantial changes in status or technology necessitate such action.

The Town will comply with all federal, state, and local regulations governing reduction-in-force.

Where collective bargaining agreements apply, the Town will follow any applicable stated seniority rules. For those employees who are not members of such units, the Town reserves the right to determine layoffs in a manner serving its best interests while staying in compliance with all applicable laws. The Town will follow recall procedures set by collective bargaining agreements. Employees not covered by such agreements will be recalled as the Town sees fit at the time. The Town can make no guarantees how and when this recall will take place.

Job performance and the type of job being performed will also be considered in the decision. We reserve the right to evaluate individuals on a case-by-case basis before making an employment decision.

## References

It is our policy to answer requests for references as completely and honestly as possible. All requests for information will be handled responsibly, and only qualified personnel will be involved.

Usually only facts concerning dates of employment and title are given. Additional information about employees' performance will be furnished only if they sign a consent agreement regarding the release of this information. Only facts about their performance will be given and no false or misleading information will be disclosed.

Information will be given to duly authorized requests from law enforcement agencies, including investigators, summonses, subpoenas, and judicial orders. The Town need not inform an employee that personal information has been disclosed to law enforcement agencies if it concerns an investigation into the employee's on-the-job conduct, especially when an employee's actions endanger other employees or Town security or property.

All requests for references about current, retired, or terminated employees must be referred to the Human Resources Department. No supervisor is authorized to give any information about current or former employees without the approval of Human Resources.

## Religious Discrimination

It is against Town policy to discriminate against any person based on their religious beliefs or practices. It is also our policy not to ask employees about their religious convictions.

No Town employees, especially those in a supervisory capacity, are allowed to impose their religious beliefs on others. Religious harassment, too, is strictly prohibited. All violations may be subject to discipline, up to and including discharge.

It is the policy of the Town to accommodate the religious beliefs of its employees whenever possible. The accommodation; however, cannot exert undue hardship on the Town or other employees.

When an employee's religious beliefs interfere with the Town's dress code, or the employee's work schedule, assignments, or other work-related matters, the employee must schedule a meeting with his/her supervisor to discuss possible religious accommodation options.

After meeting with the employee, the supervisor must meet with Human Resources to assess potential religious accommodations based on the requirements of the employee's sincerely held religious beliefs. In addition, the supervisor and HR must evaluate the impact of the accommodation options on other employees and any potential undue hardship to the Town.

Accommodations may include, but are not limited to, scheduling changes, leave with or without pay, transfers, and dress code exemptions.

If the proposed accommodations pose an undue hardship on the Town or other employees, the employee will be expected to assume his/her usual duties. If no potential hardship exists, the supervisor and HR must decide on an accommodation option that is reasonable. The Town is not obligated to provide the specific accommodation requested by the employee. However,



the Town will work toward an agreeable resolution with employees who have religious accommodation requests

## **Resignation**

It is our policy that the employment relationship may be terminated at-will — at any time and for any reason, by the employee or the Town. Management-level employees are expected to provide at least 2 weeks notice of their resignation. When employees leave the Town voluntarily, they are expected to submit a letter of resignation at least 2 weeks prior to their last day of work. When giving notice, employees should speak with their immediate supervisor.

All employees are required to return keys, uniforms, Town vehicles, supplies, or any other Town property prior to separation of employment. The Town reserves the right to inspect employees' desks, lockers, or personal belongings at the time of separation.

Employees who do not provide the requested 2 week notice period may be considered ineligible for rehire or payments provided upon separation from employment for unused leave.

## **Retirement**

The Town's present and existing retirement plan (the "Retirement Plan") shall remain in force and effect unless modified by mutual agreement and approved by the Town's legislative body and the Union.

A separate pension plan agreement effective January 1, 2008 and separately negotiated shall continue in effect until amended.

The Town will implement a pre-tax wage deduction plan in accordance with applicable federal and state laws as it applies to health and retirement co-pays.

### **Safety & Health**

It is the policy of the Town to provide a safe workplace for its employees based on guidelines established by Occupational Safety and Health Administration (OSHA) and other available recommendations.

Safety and health protection has a high priority in all of our business activities. Our goal is to minimize human injury or illness and property loss or business interruption caused by accidents, fire, or other hazards. We believe this will be achieved to the degree that all Town members accept and fulfill the safety and health responsibilities inherent in each job. Individually, we must recognize hazards, anticipate possible exposures and risks, and then act to eliminate or control them.

The Town expects that its workers will give their best effort to prevent workplace accidents and diseases. The Town will provide the necessary direction and aid to accomplish this goal and will also reward or discipline employees according to their actions on behalf of safety or health concerns.

All employees must adhere to all OSHA, federal, and state regulations and comply with the following general rules.

- All accidents or injuries must be reported immediately.
- Horseplay and practical jokes in work areas will not be tolerated.

- First-aid kits are available in designated areas.
- Smoking is prohibited in all areas throughout the premises (except for designated areas outside of the building).
- Employees are to be careful with their hands when operating any machinery and must see to it that others do not harm themselves on their machines.
- Operating shortcuts will not be tolerated and will result in immediate discipline.

Employees are responsible to themselves and to the Town for reporting unsafe conditions or practices to management. It is then management's responsibility to act as conditions warrant.

The first priority of every employee is the safety of residents, customers, other employees, and himself/herself. In case of a serious accident requiring the attention of a physician, call 911 immediately and then contact Human Resources.

No employee should ever perform a task or work with equipment that he/she considers to be unsafe. If an employee has reason to believe that his/her working conditions are unsafe, they should notify their immediate supervisor so the situation can be rectified.

The Town keeps records on every workplace injury and records any time one of our employees is unable to perform the employee's full duties because of a work-related injury or illness. Human Resources maintains these records. Any time an employee incurs a workplace injury, an accident form must be sent to Human Resources no matter how minor the injury is.

#### COMMUNICABLE DISEASES

The Town recognizes its responsibility to provide a safe workplace for all employees, visitors and customers. Therefore, the nature of a communicable disease and its means of transmission will be considered when handling each specific illness.

To prevent outbreaks of communicable diseases in the workplace, employees are expected to comply with all health and safety standards. For example, employees with flu-like symptoms should remain at home to reduce exposing others. Also, employees should wash their hands regularly and cover their mouths with a tissue when sneezing or coughing.

When the Town has reasonable cause to believe that an employee is unable to perform assigned duties or is endangering the health or safety of others because of a communicable disease, it may request a fitness-for-duty exam to clarify the employee's condition. Any fitness for duty exam will be paid by the Town and conducted by a Town selected physician.

The Town recognizes that the employee's medical condition is confidential. Therefore, reasonable precautions will be taken to ensure information regarding an employee's health is provided only to those persons with a need to know.

#### FIRE PREVENTION

The Town expects each employee to do everything possible to safeguard Town facilities from damage by fire. Employees can help prevent such a disaster by keeping their work area clean and free of rubbish and by observing all rules regarding fire prevention. Our fire prevention policy is designed to ensure that all reasonable steps are taken to preserve life and property from exposure to fire hazards.

The Town will attempt to hold fire drills at least once a year to insure the prompt and safe exit of employees from all buildings in case of an actual fire. Prompt compliance to supervisors' and the fire department's instructions is required during these drills.

### HAZARD COMMUNICATIONS

The Town complies with all federal and state "Right to Know" laws, which means employees will be made aware of any chemical hazards they may face at the workplace. Employees will also receive special training concerning the labeling, handling, and disposal of hazardous substances, and what steps should be taken in the event of a spill.

If employees have any questions about how hazardous waste should be handled or stored, they should see their supervisor immediately.

Employees have a right to access records concerning their exposure to chemicals in the workplace.

## **Security**

It is our policy to protect the security of our employees and our Town property through the establishment of necessary controls and procedures.

Security problems and violations cannot be handled in a constructive manner unless Town management knows about them. Our security policy; therefore, places a strong emphasis on reporting security-related incidents so that the proper action can be taken.

All keys, access codes, Town records, documents, and other property must be turned in at separation of employment.

In the event of theft, suspicious activity, or dangerous incident, employees should report the situation to their supervisor. The supervisor will assess the situation and, if appropriate, contact the local police.

The Town reserves the right to inspect bags, parcels, or containers being removed from the premises. Further, in the interest of health and safety, the Town reserves the right to inspect the workplace, including lockers, desks, files, etc. A search can also be conducted of any Town or personal equipment used in the scope of employment, including but not limited to computer equipment and files, e-mail, voicemail, etc.

An employee's vehicle, including the trunk and glove compartment, are subject to search if the vehicle is parked on Town property.

The Town strives to maintain a safe and secure workplace and does not tolerate any acts or threats of violence in the workplace or while conducting Town business. Every effort has been made to identify possible sources of violence and implement procedures to eliminate or minimize risks.

In order to ensure a safe environment for employees and visitors, the Town prohibits the presence of firearms or other dangerous weapons on Town property except for any location where state or local laws apply. Any employee in possession of a firearm or other weapon while on Town property may face disciplinary action, including termination. Also, to the extent allowed by law, the Town prohibits clients or visitors from carrying weapons while on Town property.

Written reports should be prepared by department heads and submitted to Human Resources immediately after a security-related incident has occurred or been discovered. The report should cover any and all information relating to who, what, when, where, why, and how aspects

of the incident. If time is a critical factor, the report should be made first over the telephone and later confirmed in writing.

The following types of incidents must be reported:

- Criminal acts on Town property, including gambling, possession or use of narcotics, and money lending at unreasonable rates of interest;
- Bomb threats via telephone, mail, etc., or actual bomb incidents;
- Theft or misappropriation of Town assets;
- Loss, theft, or suspected theft of proprietary information and any inadvertent or unauthorized disclosure of proprietary data;
- Damage to Town property or an employee's personal property while on Town premises involving actual or suspected mischief, vandalism, or criminal negligence;
- Natural or man-made disasters;
- Attempts by persons to misrepresent themselves as employees or agents;
- Actual or suspected espionage or subversive activity;
- Any riot, civil disorder, or insurrection;
- Any illegal action proposed by a purchasing agent, contractor representative, or employees thereof.

The following security considerations are offered to assist employees in their responsibility in maintaining a secure workplace. They owe it to themselves and their co-workers to protect their assets and their co-workers by:

- Being alert to anyone loitering near Town premises for no apparent reason; such places as parking areas, walkways, entrances/exits, and service areas are generally where "strangers" might congregate. Report any suspicious persons or activities to Human Resources.
- Questioning mail which renders threats or is objectionable in any way. Upon recognizing such correspondence, do not unnecessarily handle it. Isolate it and place it in a plastic cover or folder. Notify a supervisor immediately.
- Maintaining control over all lockable files and/or cabinets. Secure them at the close of business or when called away from a work area for a prolonged period.
- Never leaving keys to control items in or around a desk or work area.
- Never placing valuable personal articles in or around their work station which will be accessible to transient individuals.
- Clearing away their own work area and making sure that their immediate area of accountability is properly secured each day at the close of business.

## **Sexual Harassment**

It is the policy of the Town to ensure a work environment free of sexual harassment. In accordance with that philosophy, unwelcome sexual advances; requests for sexual favors; sexual demands; or other verbal, physical, or visual conduct of a sexual nature will constitute sexual harassment when:

- Submission to the conduct is either an explicit or implicit term or condition of an individual's employment;
- Submission to or rejection of the conduct is used as a basis for an employment decision affecting the person rejecting or submitting to the conduct;
- The conduct has the purpose or effect of having a negative impact upon the individual's work performance or of creating an intimidating, hostile or offensive work

- environment; or unreasonably interfering with an affected person's work performance, or creating an intimidating, hostile or offensive work environment;
- In third-party situations, one individual is offended by the sexual interaction, conduct, or communications between others; or
- Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding job benefits and/or working conditions.

Such conduct constitutes sexual harassment whether or not a threat of adverse job consequences is carried out and whether or not the individual actually suffers any tangible adverse job consequences.

This policy's restrictions and protections apply:

- to all Town employees, managers, and officers, as well as those who have a business relationship with the Town, including customers, clients, vendors, contractors, etc.; and
- at all work-related activities and Town-sponsored events, both on and off Town property and both on and off Town time (e.g., business trips, social functions).

Sexual harassment includes a wide range of behaviors- from pressure or requests for sexual activities to unwelcome sexual comments and innuendo to verbal abuse of a sexual nature. Unwelcome sexual flirtations and advances, offensive touching of individual, graphic or verbal commentaries about an individual's body, sexually degrading words used to describe an individual and displays in the work place of sexually suggestive objects or pictures are some of the additional behaviors that constitute sexual harassment. Behavior appropriate in a social setting may not be appropriate in the workplace. Sexual harassment may be subtle and even unintentional. It may be directed towards members of opposite or same sex.

To avoid misunderstandings about what might constitute sexual harassment, the following guidelines should be followed. Note: Sexual harassment is not limited to the examples shown.

- Suggestive or obscene letters, notes, e-mail messages, voice mail messages, invitations, derogatory comments, slurs, jokes, epithets, toughing, impeding or blocking movement, leering, gestures, noises, pulling at clothes, display of sexually suggestive objects, pictures or cartoons, sexual assault, attempted sexual assault.
- Continuing to express sexual interest after learning of or being informed that the interest is unwelcome.
- Coercive sexual behavior used to control, influence or affect the career, salary and /or working environment of another, such as threats of reprisal, implying or withholding support for an appointment, promotion, transfer or change of assignment.
- Suggesting a poor performance evaluation will be prepared or that a probationary period of employment will not be completed successfully.
- The creation of an atmosphere of sexual harassment or intimidation or a hostile or offensive working environment.
- Inappropriate attention of a sexual nature.

The Town bases its determinations relative to employment, training, compensation, and promotions on job-related qualifications in compliance with Equal Employment Opportunity Commission laws and regulations, which prohibit discrimination based on sex. Federal and state laws make sexual harassment unlawful. Just as we do not tolerate violations of other laws in our workplace, we do not tolerate violations of the laws prohibiting sexual harassment.

The Town will exercise reasonable care to prevent or correct any sexually harassing behavior by launching prompt and thorough investigations and enforcing appropriate disciplinary actions.

In order to prevent and remedy sexual harassment in the workplace as quickly as possible, employees are encouraged to take full advantage of the Town's preventive and corrective opportunities.

#### **Other Prohibited Conduct**

Unwelcome speech or conduct of an offensive or hostile nature based on an individual's race, color, religion, creed, national origin, ancestry, sexual orientation, marital status, age, physical or mental disability or any other unlawful reason is prohibited by this policy.

#### **Complaint Procedure**

All members of our workforce are responsible for helping to assure that sexual and other unlawful harassment is avoided. Any person who has observed or otherwise becomes aware of conduct prohibited by this policy should bring the matter to the immediate attention of his/her supervisor and/or the Town Manager. The supervisor will immediately inform the Town Manager upon receipt of any such complaint or the Chairman of the Town Council if the Town Manager is the subject of the complaint.

With or without the assistance of a supervisor or the Town Manager, the complainant should immediately commit complaint to writing. The complaint should include the name of the complainant, date of the complaint, date of the alleged harassment, name or names of the alleged harasser(s) and a detailed statement of the circumstances leading to the complaint and the complainant's signature.

All complaints will be promptly investigated in as confidential a manner as practical and appropriate corrective action will be taken when warranted. Any individual who is determined after an investigation to have engaged in harassment in violation of this policy will be subject to discipline, including possible dismissal. He or she may also be personally liable in any legal action brought against him or her.

#### **Retaliation**

Retaliation against an individual because he or she has reported harassment or has cooperated in an investigation of alleged harassment is a violation of this policy and state and federal law. Such retaliation is a form of harassment and will be handled in the same manner as other forms of unlawful harassment.

#### **Responsibilities of Personnel**

All persons covered by this policy: Any employee or other person covered by this policy who feels that he or she is a victim of sexual or other unlawful harassment is strongly urged to firmly and immediately notify the offender that his or her behavior is unwelcome and request that it stop. If the conduct does not stop or the victim is uncomfortable confronting the offender, the victim should immediately report the complaint in accordance with the procedures described in this policy. Any person who has not been victimized but is aware of a possible violation of the Town's policy on sexual or other unlawful harassment should likewise report such information.

Supervisors: Any complaint or other communication from an applicant for employment, an employee, a volunteer, a visitor, a government agency or an attorney concerning sexual and/or other harassment should be immediately shared with the Town Manager who receives all reports and complaints and considers them for investigation and resolution. If notification to the Town Manager is impractical or inappropriate under the circumstances, the Chairman of the Town Council should be contacted.

Upon any notice that illegal harassment may be occurring, the supervisor should inform the complainant of this policy, including the Town's legal obligation to investigate every report even where the complainant is hesitant to pursue the complaint. The supervisor should encourage

the complaint to put the complaint in writing and provide him/her a form for this purpose. The supervisor should advise the complainant that confidentiality will be maintained to the extent possible and should instruct those involved not to discuss the subject with others in the workplace.

The supervisor should carefully document his or her knowledge of all communications and efforts concerning complaints, including any failure to take advantage of the complaint resolution procedures provided by this policy. Such documentation should be maintained in a separate investigative file.

Supervisory personnel must attend a Town sponsored sexual harassment training program within six (6) months of assuming such position and thereafter when required by management.

The Town Manager is responsible for receiving complaints and assigning them for investigation by a designated investigator.

The Human Resources Department is responsible for ensuring compliance with various statutory record keeping, notice and training requirements in the area of harassment, including but not limited to §§46a-60 (a)(8) and 46a-54 of the General Statutes of Connecticut, and §§46a-54-200 through 46a-54-207 of the Regulations of Connecticut State Agencies. The Human Resources Department reviews the Town's policy on sexual and unlawful harassment periodically for appropriate updating and monitors it on an on-going basis for effective implementation.

The definition of "sexual harassment" as well as the process by which any complainant may make a complaint of sexual or other illegal harassment should be part of the orientation for all new employees and volunteers and Town officials. The Human Resources Department ensures that this policy is distributed to all covered persons at the time of hire or appointment, with each update and periodically thereafter. He or she is also responsible for conspicuously posting the policy in places of employee and volunteer access and ensuring that all covered persons are aware of who is serving as the Town Manager and how he or she may be reached.

Investigators: Depending on the nature of the complaint, the investigation may be assigned to an outside investigator by the Town Manager if the use of an internal investigator is inappropriate or impractical under the circumstances. The investigator will interview the complaining employee, the accused harasser, and witnesses, if appropriate, and review appropriate files, records, or other documentation. To the extent possible, the employee's confidentiality and that of any witness and the alleged harasser will be protected against unnecessary disclosure.

After an impartial and prompt investigation of the complaint conducted in accordance with the Town's guidelines, the investigator should ascertain, with proper assistance, whether the alleged conduct occurred and whether such conduct constitutes a violation of this policy. If there is a violation, the investigator should recommend the action necessary to eradicate the harassment, to discourage the conduct in the future and to communicate that such conduct is inappropriate and a violation of Town policy.

After assessing the findings and recommending corrective action in regard to a sexual and other harassment investigation, the investigator should commit the findings and recommendations to writing and forward the report to the Town Manager or when appropriate, the Chairman of the Town Council and the supervisor responsible for supervision and discipline of the alleged offender.

The findings should be communicated to the complainant and the alleged offender. If sexual or other illegal harassment is determined to have occurred, the offender will be subject to

appropriate disciplinary action which may include, but is not limited to, a verbal or written reprimand, reassignment, transfer, suspension or termination.

All investigators should carefully document all aspects of their review, investigation and subsequent communications. Documentation of disciplinary actions taken should be maintained in the offender's personnel file.

Information obtained during the course of an investigation of harassment will be maintained in confidence. It will be released only to individuals who have a need to know it, e.g., individuals who will enable the Town to investigate the charges thoroughly.

Information obtained during the course of an investigation will be maintained in confidence, consistent with the law. It will be released only to individuals who have a need to know, e.g., individuals who will enable the Town to investigate the charges thoroughly.

Individuals who knowingly make false statements during the course of a harassment investigation may be subject to discipline, which may include discharge. All employees are expected to cooperate fully with such investigations. Failure to cooperate fully may lead to discipline, which may include discharge. However, the mere fact that a claim of discrimination is not substantiated (or is withdrawn) must not lead to any adverse employment action, and the Town understands its obligation to avoid unlawful retaliation.

Once the investigation is complete and the Town determines that harassment has occurred, it will take immediate and appropriate corrective action to discipline the harasser and prevent sexually harassing conduct from occurring in the future. Sexual harassment is a form of misconduct, and discipline will be enforced against individuals engaging in sexual harassment and against supervisory and managerial personnel who knowingly allow such behavior to occur.

In some situations, the behavior may not be severe or pervasive enough to rise to the level of illegal sexual harassment, but it can still create an uncomfortable work environment for others. Thus, the Town retains the right to discipline behavior that it deems inappropriate and unprofessional, regardless of whether it is illegal.

The Town will inform the complaining employee of the outcome of the investigation and of the internal remedies available. The complaint procedure will provide for follow-up to determine if the sexual harassment has been effectively stopped.

The Town will not tolerate unlawful retaliation against any employee who files a complaint, supports a co-worker in a complaint, or speaks as a witness in the investigation of a complaint. It is also prohibited to discharge or in any manner discriminate against an employee who gives information about an alleged employer violation, causes a proceeding to be instituted against an employer, or testifies in a proceeding concerning an employer violation.

Employees who experience retaliation in the workplace are encouraged to report it immediately to Town management. All allegations of retaliation will be investigated. When the investigation is completed, anyone found guilty of retaliatory conduct will be subject to discipline, up to and including discharge.

*The Town will provide all its employees, supervisors, and managers with comprehensive sexual harassment training, which explains prohibited conduct, outlines the Town's complaint procedures, and details disciplinary and corrective actions.*



## Sick Leave

Sick leave is a benefit to be used only in the case of actual illness or injury which prohibits employees from performing their duties.

Authorized sick leave shall be considered to be absent from duty, with pay, for the following reasons:

- A. Personal illness, physical quarantine, physical incapacity, or non-compensable bodily injury, except where directly traceable to employment by an employer other than the Town.
- B. When the employee is required to undergo medical, optical, or dental treatments, only when this cannot be accomplished on off-duty hours, and provided the Chief Administrative Officer is notified at least one (1) day in advance of the day on which the absence is to occur.
- C. When the serious illness, as defined under the Federal Family & Medical Leave Act, of a member of the employee's immediate family requires his personal attendance, when supported by a doctor's certificate.

The Town may require proof of illness for any authorized sick leave. In the judgment of the Town Manager, proof of sick leave may include a doctor's certificate, or other proof of illness or injury from the employee's physician, indicating the nature and duration of the illness. Proof of illness or injury will not normally be required for sick leave of less than three (3) consecutive working days or less than eight (8) frequencies per calendar year. If the frequency rate rises to eight (8) times, a doctor's certificate will be required for all illnesses unless waived by the Town Manager. The Town may investigate and require proof of illness or injury for any absence for which sick leave is requested.

In order to have an absence counted as sick leave, the employee, on the first day of absence due to illness or injury, shall notify either the employee's department head or his designated representative, of his illness or injury at least thirty (30) minutes subsequent to his normal time for reporting to work, except where sufficiently limiting circumstances exist, in which case he shall report as soon as practicable.

To the extent allowed by the Americans with Disabilities Act and other applicable laws, the Town reserves the right to require any employee to submit to a physical examination by a doctor of the Town's choice, the cost of the physical examination to be at the Town's expense.

Sick leave shall be earned by each regular, full-time employee at the rate of one and one-fourth (1-1/4) working days for each complete calendar month of continuous service, the total of which shall not exceed fifteen (15) sick leave days in any twelve (12) months. Sick leave earned in any month of service shall be available during any subsequent month.

The following shall apply to sick leave accumulation:

- A. All unused sick leave of any regular, full-time employee during continuous employment may be accumulated up to a maximum of one hundred twenty (120) days.
- B. The amount of each employee's accumulated sick leave on the day prior to the effective date of this Agreement shall be credited toward his accumulated sick leave under this Agreement.

- C. No credit toward accumulated sick leave shall be granted for time worked in excess of his normal workweek.
- D. Sick leave shall continue to accumulate during authorized leaves of absence with pay.

The following shall apply to sick leave redemption:

- A. An employee who has successfully completed the probationary period, upon resignation without prejudice, shall receive, on the basis of his base rate of pay, compensation for fifty (50%) percent of his unused, accumulated sick leave, as severance pay, up to sixty (60) days maximum.
- B. An employee who is discharged, or resigns with prejudice, shall receive no compensation for any of his unused, accumulated sick leave.
- C. Upon retirement or death of a regular, full-time employee, eighty (80%) percent of his unused, accrued sick leave shall be remitted on the basis of his current base rate of pay to the employee, or his estate, up to a maximum of sixty (60) days.
- D. An employee, who is subject to a layoff without prejudice, may elect to receive, on the basis of his base rate of pay, compensation for fifty (50%) percent of his unused, accumulated sick leave, as severance pay, up to ninety (90) days maximum. If an employee elects the above, he will forfeit all sick leave on the books if recalled at a later date regardless of his seniority.

Sick leave shall be used in at least two hour increments.

Any abuse of the sick leave policy may result in disciplinary action, up to and including discharge.

## **Smoking**

Effective January 1, 1991, smoking was prohibited throughout all town (public) buildings. This policy was adopted by the Town Council in November 1989 in light of the negative health effects particularly those of second hand smoke to occupants in Town (public) buildings, as well as the protection of public records and fire safety.

The Town recognizes the right of its employees to work in an environment free of tobacco smoke. Therefore, smoking or other use of tobacco products (including, but not limited to, pipes, cigars, or chewing tobacco) is strictly prohibited on Town premises (unless permitted in designated areas outside of the building).

This policy applies to all areas of the building occupied by Town employees, including offices, hallways, waiting rooms, restrooms, lunch rooms, elevators, meetings rooms, etc.; all Town-sponsored off-site conferences and meetings; all vehicles owned or leased by the Town; all visitors to Town premises; all contractors and consultants and/or their employees working on Town premises; and all temporary employees. Employees who violate this smoking policy will be subject to discipline, up to and including termination.

The Town will comply with all state and local ordinances controlling smoking in the workplace. Employees with inquiries or complaints about smoking in the workplace are asked to report them to Human Resources.

What employees do outside of working hours and off Town premises will not be the basis of any disciplinary action.

# Social Media Policy

## 1.0 PURPOSE:

To provide guidelines for conduct by Town Employees who use Social Media and Social Networking to interact with customers on behalf of the Town of East Hampton.

Each Town of East Hampton social networking site shall include an introductory statement which clearly specifies the purpose and topical scope of the blog and social network site. Where possible, social networking sites should link back to the official Town of East Hampton Internet site for forms, documents and other information

## 2.0 SCOPE:

All Town Employees

## 3.0 DEFINITIONS

- 3.1 "Social Media" are various forms of discussion- and information-sharing tools, including social networks, blogs, video sharing, podcasts, wikis, message boards and online forums. Technologies include picture and video sharing, wall postings, e-mail, instant messaging, and music sharing, to name a few. Examples of Social Media applications include, but are not limited to, Google and Yahoo Groups (reference, social networking); Wikipedia (reference); MySpace and Facebook (social networking); YouTube (social networking and video sharing); Flickr (photo sharing); Twitter (social networking and microblogging); LinkedIn (business networking); and news media comment sharing/bloggging. This policy covers all Social Media tools, both current and future.
- 3.2 "Social Networking" is the practice of expanding one's business and/or social contacts by making connections through clubs, organizations, phone contacts, written correspondence or through web-based applications. This policy focuses on Social Networking as it relates to the Internet to promote such connections through Web-based groups established for that purpose.

## 4.0 RESPONSIBILITY

- 4.1 It is the responsibility of the Town Manager's Office (or his/her designee) to act as the Town's official spokesperson and maintain the Town's official Web presence via Social Media/Networking and the Internet.
- 4.2 It is the responsibility of all Town Departments and employees who want to engage in Social Media/Networking in an official capacity for their Department or division to coordinate this activity with the Town Manager's Office.

## 5.0 POLICIES

- 5.1 Town employees wanting to create and maintain Department-specific social media applications separate from the Town's applications must obtain approval from the Department Director and the Town Manager. Departments must provide specific reasons for maintaining separate social media applications. If approved, the Department Director and Town Manager will periodically review each application. Those that do not meet the Town's intended goals and objectives may be removed at any time.
- 5.2 All Town of East Hampton social media sites must adhere to all applicable federal, state and local laws, regulations and policies.
- 5.3 The Town reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable laws. Social Networking content or comments containing any of the following will not be allowed for posting:
- a. Comments or material not topically related to the site or article being commented upon;
  - b. Profane language or obscene content;

- c. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, or sexual orientation;
- d. Personal attacks, insults or threatening language;
- e. Plagiarized material; private, personal material published without consent; or potentially libelous material;
- f. Conduct or encouragement of illegal activity;
- g. Information that may tend to compromise the safety or security of the public or public systems;
- h. Commercial promotions or spam;
- i. Organized political activity.
- j. All Town of East Hampton blog authors and public commentators shall be clearly identified. Anonymous blog postings shall not be allowed.
- k. Enrollment of public commentators shall be accompanied by valid contact information, including a name, address, and email address.

## **7.0 APPENDICES:**

Social Media Networking Agreement Form

## **Solicitation**

The Town does not allow solicitation on its property. Anyone who comes onto Town Hall or its annexes to solicit its employees for any reason will be asked to leave and if necessary, escorted off the premises.

The same rule applies to persons who come onto Town property to distribute flyers or other literature. Any employee who is approached by someone wanting to sell something or hand something out is asked to call Human Resources immediately.

During work time, employees are expected to devote their time to work activities. Social solicitation activities are to take place only during non-work time in areas where the employees will not disturb other people who are working. In addition, distribution of flyers and literature must be done on non-work time and only with the express written permission of Human Resources.

All requests for such activities will be in accordance with these standards:

- whether the activity would interfere with work performance or be offensive to other employees;
- whether the activity is governed or prohibited by law;
- the relevance of the activity to the workforce as a whole (e.g., a recreational program for employees would normally be approved; an announcement by an outside organization, such as a professional team, might not);
- whether the activity would affect the customers or visitors' impression.

The decision by management as to whether literature will be allowed to be distributed will be final and binding. Employees who violate this policy will be subject to discipline, up to and including discharge.

Employees are prohibited from using Town fax machines, computers, and other electronic communications systems for soliciting information that is not related to Town business. Also, Town equipment or supplies may not be used to reproduce or distribute literature.

## **Substance Abuse**

This policy reflects our commitment to our employees and our belief that drug or alcohol abuse poses a serious risk, not only to the individual but to other employees and the Town's future as well. In addition to emphasizing the Town's belief that safety and health are essential, the policy also underscores our firm commitment to a drug-free workplace.

The possession, use, or sale of alcohol, unauthorized or illegal drugs, or the misuse of any legal drugs on Town premises or while on Town business is prohibited and will constitute grounds for termination.

The term "Town premises" includes Town offices, work locations, desks, parking lots, and any vehicle engaged in Town operation.

Employees who come to work under the influence of alcohol or any illegal drug will be subject to discipline, up to and including termination.

The Town will establish procedures as it finds necessary to effectively enforce its drug policy. That includes a requirement that employees cooperate in personal or facility searches when there is reason to believe (consistent with the law) that drugs or alcohol are present, when their performance is impaired, or when their behavior is erratic. Refusing to cooperate with these procedures may be cause for disciplinary action, including termination.

Prohibited items will be confiscated and turned over to law enforcement officials when appropriate.

Employees are responsible for promptly reporting to Human Resources any use of prescribed drugs which may affect their judgment, performance, or behavior.

## **Telephone**

The Town maintains its telephone equipment for business purposes. It is recognized that some personal telephone calls are necessary. Employees are allowed to make/receive a reasonable number of personal calls. However, they should be as brief as possible to avoid interfering with employees' normal work or with business use of the telephones.

If a supervisor believes an employee is abusing his/her telephone privileges, the matter will be handled under the Town's progressive discipline system.

Cellular telephones issued by the Town are the property of the Town and must be returned upon the employee's termination or resignation.

The Town's voice-mail system is for business use only. The Town maintains the right to monitor all messages to ensure compliance with this policy.

When using the voice-mail system, it is expected that all employees treat customers, co-workers, and others with courtesy. Foul, inappropriate, or offensive messages, such as racial, sexual, or religious slurs, are prohibited.

## **Termination**

It is our policy to retain, to the extent consistent with Town requirements, the services of all employees who perform their duties efficiently and effectively. However, it may become necessary under certain conditions to terminate employment for the good of the employee and/or the Town.

A supervisor or manager who feels discharge is in order will submit a recommendation for discharge to the Town Manager. The recommendation will include copies of all collected documentation and assurances that all the requirements of the Town's processes have been observed and documented.

Each termination will be judged on its own merits.

Nothing contained in this Handbook is intended to create, nor shall be construed as creating, an express or implied contract of employment or guarantee of employment for any term. In case of a conflict, any applicable union contract/collective bargaining agreement, ordinance, statute or charter shall control; however, in the absence of such a provision, employment is at-will, and may be terminated by the Town or the employee at any time without or without cause.

Employees who decide to leave the Town through resignation are expected to give at least two (2) weeks' notice and more if possible. Failure to give proper notice will become part of the employment record and will be noted in any reference requests, and will serve to deny the employee any right to any post-termination benefits.

Upon both voluntary and involuntary termination, Human Resources may conduct an exit interview with the terminated employee to attempt to uncover important information about the employment relationship.

## **Time Clock / Time Sheets**

Non-exempt employees are required to "clock in" or "sign in" at the beginning of their workday and "clock out" or "sign out" at the end of their assigned workday.

Any time an employee leaves the workplace during the workday, on other than work-related business; the employee must clock out or sign out. Upon returning to work, the employee must clock in or sign in.

Employees must have previous supervisory approval to work overtime. This includes pre-approval to clock in early or clock out late or sign in early or sign out late or work through lunch. Employees who repeatedly clock in or sign in early or clock out or sign out late or work through lunch without supervisory permission will be subject to discipline.

No employee may clock in or out for another employee. Any employee found clocking in or out for another employee or having another employee clock in or out for them will be subject to disciplinary action.

It is the responsibility of each employee to monitor their time and to advise their supervisor immediately of any problems. If the supervisor determines there are problems, the supervisor should note the employee's time worked and inform the Payroll Department of any changes.

Only authorized supervisors may alter information on a time report. Falsification of time records may be grounds for discipline, up to and including termination.

Time records must be received by the Payroll Department no later than 10:00 am on the Monday preceding a pay date.

## **Tuition Reimbursement**

The Town shall provide for reimbursement for all tuition and books needed by an employee attending an accredited school on job related courses, approved by a supervisor and the Town Manager and with documentation of a C or better grade once they have completed one year of service.

Reimbursement of all tuition, books and other costs are up to a maximum of \$1,000 per calendar year for undergraduate or work-related courses and up to \$1,500 per calendar year for graduate-level courses.

Seminars and conferences are to be approved by supervisor and the Town Manager. Any books purchased will remain the property of the Town.

## **Vacation**

It is the practice of the Town to provide full-time employees with an annual paid period for rest and relaxation. The objective of vacations is the maintenance of employee health and morale.

The Town reserves the right to determine vacation schedules, to rearrange vacation schedules at any time. Further, the Town may alter its Vacation Policy at any time. The Town will attempt to grant all employees vacation at the time they desire to take it. However, the Town must maintain adequate staffing at all times. Therefore, vacations must be scheduled in advance and with prior written approval of the employee's supervisor. Where conflicts develop, they will be resolved as fairly as possible.

Regular, full-time employees shall be eligible for annual vacation leave paid at (i) thirty-five (35) hours times employee's straight time hourly rate at said employee's normal weekly salary and (ii) forty (40) hours times employee's straight time hourly rate at said employee's normal weekly salary, exclusive of overtime for each week, in accordance with the following schedule:

<b><u>Length of Continuous Service</u></b>	<b><u>Vacation Leave Earned</u></b>
Less than one (1) year	zero (0) days*
Upon completion of one (1) year	ten (10) days
Upon completion of five (5) years	fifteen (15) days
Upon completion of ten (10) years	twenty (20) days
Upon completion of fifteen (15) years	twenty-five (25) days

\*After six (6) months, an employee in good standing may be permitted to take five (5) days of vacation from the ten (10) days he/she will earn upon the completion of one (1) year of service.

Department heads or supervisors will earn fifteen (15) days of vacation per year beginning after completion of one (1) year of service.

Years of service for determining vacation eligibility hereunder shall be based upon full years of employment and the employee's anniversary date of employment shall be used.

Requests for vacation time shall be made in advance and shall be granted where practicable to employees in accordance with seniority rights within classification. Vacation requests made without notice will be considered in light of operating needs and vacation schedules. There will be no mass shutdown for vacation purposes. The minimum vacation period that may be taken at any time is two hour increments.

Employees shall be allowed to accumulate unused vacation leave from year to year up to a maximum of thirty (30) vacation days. The Town has the option to purchase excess accumulated vacation time from employees who have maintained same under this Section.

When a holiday occurs during a regular vacation, such holiday shall not be charged to the employee's earned vacation time.

Normally, vacation days are forfeited upon any separation from employment, including but not limited to termination or resignation. However, if the employee leaves the Town in good standing, and provides at least two weeks advance written notice of his/her separation, the Town may pay to such employee all remaining earned vacation.

Retiring employees may not utilize vacation time to extend the retirement date.

In the event of the death of an employee, the employee's accrued vacation time shall be paid to the employee's estate up to the maximum days permitted.

In case of a conflict, any applicable union contract/ collective bargaining agreement, employment agreement, ordinance, statute or charter shall control.

## **Vehicle-Town Use**

The Town Manager or his agents when required to conduct Town business shall assign Town vehicles to employees. Those employees to whom they are assigned in a manner, which is safe and conducive to the preservation and good operating order of the vehicles, shall use Town vehicles. No employee shall operate a Town vehicle while under the influence of alcohol or drugs. Subject to the interpretations noted herein under Guidelines, Town vehicles shall only be used for matters relating to Town business. All Town employees utilizing Town vehicles shall maintain a valid Connecticut driver's license, or any special licenses needed to operate the vehicle in use. At the conclusion of each business day, tour of duty, or overtime work assignment, Town vehicles shall be returned to their assigned parking locations. The following types of employees may take vehicles assigned to them home with the special permission of the Town Manager. However, the Town Manager reserves the right to review, prior to initiation, the permanent assignment of any vehicle to any employee taking same home:

- a) Employees (usually supervisory or administrative) who are subject to call-out in the event of a problem or emergency.
- b) Employees who are required to attend frequent evening meetings or work-related assignments outside the normal workday without extra compensation.

### **Guidelines:**

1. The meaning of "Town Business" shall include daily work needs, authorized attendance at professional and/or work-related meetings, classes, etc., in which the attendee has a legitimate involvement. Each employee wishing to leave the Town borders must request



permission prior to each occurrence from the Town Manager. The Town Manager may also stipulate such conditions as he deems appropriate relative to such use on a particular occasion.

2. Passengers within vehicles assigned to employees shall be limited to other Town employees, Town Officials and persons otherwise having a legitimate Town business related reason for being passengers.
3. Family members or other persons shall not be allowed to drive Town vehicles. Town vehicles are not supplied for family transportation.
4. Town vehicles shall never be parked at locations which would be *inconsistent with the appropriate discharge of the employee's duties, the Town's codes, or the mission of the Town.*
5. Town vehicles shall never be used to conduct outside employment or to conduct non-government related services during or outside normal business hours. Town vehicles are not for personal use.
6. Town vehicles shall not be used in connection with an employee's civic, fraternal, recreational, entertainment or other leisure time pursuits.
7. The use of a Town vehicle is a privilege. All accidents involving any Town vehicle must be reported to a supervisor and to the Town Manager within 24 hours of the occurrence of same. However, any and all accidents involving any Town vehicle must be reported at the time of occurrence to the Police Department for immediate investigation.
8. All employees utilizing Town vehicles are expected to report any maintenance or mechanical problems to their supervisor and are required to comply with all conservation procedures and measures initiated by supervisors.

**Penalties:**

Violations of the policy contained within this resolution will subject the employee to the withdrawal of driving privileges and will subject the employee to disciplinary action up to and including suspension and/or dismissal depending upon the seriousness of the infraction, the intent of the person involved and the repetitiveness of violations.

**Other rules that apply:**

- Obey speed limits; excessive speed is a major cause of accidents.
- Buckle up; wearing a seat belt improves your chances of survival if you are involved in a collision.
- Signal well in advance of turning, changing lanes or stopping
- Maintain reasonable distance; allow for speed, road and weather conditions.
- Obey all traffic signs and signals with a full and complete stop.
- Drivers will follow all applicable State and Federal regulations, *including those involving the use of cell phones and similar devices.*
- Tickets and moving motor vehicle violations incurred while driving on Town business are to be reported to the Town Manager within 24 hours.

## **Violence**

The safety and security of the Town's employees, customers, vendors, contractors, and the general public are of vital importance. Therefore, acts of violence made by an employee against another person's life, health, well-being, family, or property will not be tolerated. Employees who are guilty of acts or threats of violence will be subject to discipline, up to and including immediate termination.

The Town prohibits the following:

- any act or threat of violence made by an employee against another;

- any act or threat of violence, including, but not limited to, intimidation, harassment, or coercion;
- any act or threat of violence which endangers the safety of employees, customers, vendors, contractors, or the general public;
- any act or threat of violence made directly or indirectly by words, gestures, or symbols;

The Town has a "zero tolerance for violence" policy. If employees display any violence in the workplace or threaten violence in the workplace, they are subject to immediate termination. No talk of violence or joking about violence will be tolerated.

The possession, sale, or use of weapons is prohibited on all Town property except as required to perform your job. This includes, but is not limited to, parking lots, buildings, Town-owned vehicles, and vehicles being used for Town business except for any location on Town property where state or local laws apply.

Weapons are defined as firearms, knives, explosive materials, or any other object that could be used to harass, intimidate, or injure another individual.

It is a requirement that employees report to Human Resources any behavior that compromises the Town's ability to maintain a safe work environment. All reports will be investigated immediately and kept confidential except where there is a legitimate need to know.

## **Voting**

It is the policy of the Town to give employees unpaid time off to vote when their work schedule does not allow sufficient time off to vote before or after work.

## **Weapons**

A safe working environment is very important to all of us. For this reason, no employee or visitor may enter Town property with any type of weapon unless said weapon is a required to perform his/her job functions. This includes visible and concealed weapons, even those for which the owner has obtained the necessary permits.

Possession of a valid concealed weapons permit authorized by the state is not an exemption under this policy. To the extent allowed by law, our Town prohibits employees, clients, visitors, etc., from carrying weapons on Town property.

Town property includes parking lots, buildings, Town cars, and cars being used for Town business except for any location on Town property where state or local laws apply.

While this list is not all inclusive, weapons include firearms, knives, any explosive materials, or any other objects that could be used to harass, intimidate, or injure another individual.

This policy applies to all employees, temporary workers, visitors, customers, and contractors on Town property, regardless of whether or not they are licensed to carry a concealed weapon. The only exceptions to this policy are police officers, security guards, or other persons who have been given written consent by the Town to carry a weapon on the property.

Any employee who determines or speculates that an employee or visitor is carrying any kind of weapon should notify his/her supervisor immediately. Employees should not, under any

circumstances, attempt to disarm another employee or visitor. Any employee found carrying a concealed weapon will be subject to disciplinary action, which may include termination.

We reserve the right to conduct searches of any person, vehicle, or object that enters onto Town property. We may also search lockers, desks, purses, briefcases, baggage, toolboxes, lunch boxes, clothing, vehicles parked on Town property, and any other item in which a weapon may be hidden unless prohibited by state or local law. The Town may also authorize searches by law enforcement personnel without the employee being present. Employees have the right to refuse such a search, but they may be terminated for doing so.

Anyone in violation of this policy will be asked to leave the premises immediately. The Town may make a report of the incident to local law enforcement personnel concerning a violation of our weapons policy.

## **Whistleblowing**

The Town will protect employees who report in good faith what they reasonably believe to be a violation of state or federal law or conditions or practices that would put the health or safety of employees at risk.

We ask that employees first report the alleged violation, condition or practice to their supervisor or the Human Resources Department and give the Town time to remedy the situation. No employees will be discharged, threatened or discriminated against in any manner for reporting in good-faith what they perceive to be wrongdoing.

These are some of the activities which all employees have a right to participate in without being subject to disciplinary action or harassment:

- o filing discrimination charges with the Equal Employment Opportunity Commission or a state human rights agency;
- o filing unfair labor practice charges with the National Labor Relations Board or a state agency;
- o filing a Workers' Compensation claim;
- o filing a complaint with Occupational Safety and Health Administration about safety hazards or refusing an assignment because of fear that it might be dangerous;
- o engaging in lawful union activities;
- o claiming an equal pay or wage/hour law violation;
- o opposing or publicizing policies that violate laws;
- o reporting fraud, corruption, or other forms of lawbreaking covered by the American Recovery and Reinvestment Act, the Racketeer Influenced and Corrupt Organizations Act, the Sarbanes-Oxley Act, the Whistleblower Protection Act of 1989, or state whistleblower statutes.

## **Work Assignments**

As far as practical, every employee will be assigned a regular job. However, illness, absence, vacation or other circumstances, may make it necessary, at times, to be reassigned to another job within a division.

## **Workers' Compensation**

Workers' Compensation Insurance provides benefits for job-related injuries. All employees are covered and the entire cost of this insurance is paid by the Town.

Each employee shall come under the terms of the Worker's Compensation Act for injuries which occur while the employee is engaged in the performance of his duties. Employees are covered by Worker's Compensation Insurance and are paid stated amounts due to injuries received on duty. The Town, in case of injury incurred in the line of duty, shall supplement the payments of the insurance company so the employee will receive his full base rate of pay during his absence, for a period not to exceed one hundred eighty (180) work days.

One way to keep our Workers' Compensation costs under control is to work safely and follow all rules and regulations. The Town will enforce all safety rules, and employees who violate them will be disciplined, up to and including termination.

Employees should report injuries immediately so that they can receive fast and effective treatment. Forms for reporting injuries may be obtained in the Human Resources office. If the employee is unable to fill out an injury report due to the nature of the employee's injury, his/her supervisor should obtain a form and fill it out for the employee.

The Town of East Hampton participates in an Employers Medical Care Plan filed with the Connecticut Workers Compensation Commission. The Employer Medical Care Plan allows the Town of East Hampton to direct employees to a network of medical providers for treatment of work related injuries and illnesses. Employees are obliged to obtain treatment from providers in the approved network; failure to do so may suspend the employee's right to receive workers compensation benefits, subject to the order of Workers Compensation Commissioner.

## **Work Schedule**

### **REGULAR WORK SCHEDULE**

Generally, a normal workweek consists of either thirty-five (35) hours or forty (40) hours worked Monday through Friday. Some departments may differ. Each employee is expected to complete a normal workday and work week and work whatever reasonable additional hours are required to meet the Town's needs.

Certain jobs require employees to work a different schedule, as established by the Supervisor; i.e. Police department, part-time employees, etc.

All non-exempt employees who are asked to perform authorized overtime in excess of seven (7) hours or eight (8) hours (depending on the position) in any one (1) day or thirty-five (35) hours or forty (40) hours in any one (1) week shall be paid at the rate of time and one-half (1-½) his/her regular base rate of pay for such authorized overtime. Exempt employees should refer to the Compensatory Time Policy. All overtime and/or compensatory time requests must be properly authorized in advance by supervisor and the Town Manager.

Each employee may have two (2) fifteen (15) minute breaks each workday, one in the morning and the other in the afternoon.

Lunchtime is not included in total hours worked and is unpaid time. Connecticut State Law requires employers to provide at least 30 consecutive minutes when the employee works at least 7.5 consecutive hours a day. Generally, this time must be scheduled sometime after the first two

(2) hours worked and before the last two (2) hours worked. The immediate supervisor will inform employees of scheduled break and/or lunch periods. Working hours may be altered by the Town.

Hours of work are determined by the employee's work location and job description. The following office hours currently apply:

- **Town Hall including Youth & Family Services, Facilities Manager, Building Department:**  
Monday, Wednesday & Thursday: 8:00 am – 4:00 pm; Tuesday: 8:00 am – 7:30 pm; Friday:  
8:00 am – 12:30 pm.
- **Library:** Regular Hours (September through June)  
Monday, Tuesday, Wednesday: 10 a.m. - 8 p.m.  
Thursday, Friday, Saturday: 10 a.m. - 5 p.m. Closed Sunday  
Summer Hours (July and August) Monday, Tuesday, and Wednesday: 10 a.m. - 8 p.m.  
Thursday, Friday: 10 a.m. - 5 p.m. Saturday: 10 a.m. - 1 p.m. Closed Sunday
- **Public Works:**  
Monday-Friday 8:00 am-3:30 pm.
- **Senior Center:**  
Monday, Tuesday, Wednesday & Thursday 8:30 AM - 4:00 PM, Friday 8:30 AM - 3:00 PM
- **WPCA:**  
Monday through Friday, 8:00am to 4:00pm
- **Parks & Recreation:**  
Monday – Friday 8:00 AM - 4:00 PM

# SOCIAL MEDIA NETWORKING APPROVAL/AGREEMENT FORM

Name: \_\_\_\_\_

Position/Title: \_\_\_\_\_

Department: \_\_\_\_\_

Division: \_\_\_\_\_

Social Media Site Being Suggested: \_\_\_\_\_

Goals of Proposed Site: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Approved by Department Manager: \_\_\_\_\_  
(Manager Signature) (Date)

Approved by Town Manager: \_\_\_\_\_

(Town Manager Signature) (Date)

\_\_\_\_\_  
**I agree to use Town -approved Social Media Sites for Town business as appropriate. I understand that I must have approval from my Department Manager and the Town Manager to create a Social Media Site on behalf of the Town.**

TOWN OF EAST HAMPTON, CONNECTICUT

ADVANCE REQUEST FOR AUTHORIZATION OF OVERTIME / COMPENSATORY TIME

From: \_\_\_\_\_ Title: \_\_\_\_\_ Date of Request: \_\_\_\_\_

Reason for overtime / compensatory time:

Authorized in advance by: \_\_\_\_\_ (Department Head) \_\_\_\_\_ (Date)

Employee is authorized to work overtime / compensatory time as indicated below:

Date	Time of Day		Hours Authorized	Hours Worked Actual
	From	To		
TOTAL				

(To be signed after actual work performed)

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Supervisor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Department Head

\_\_\_\_\_  
Date

## Town of East Hampton

### Employment Acknowledgment

I understand that I am responsible for reading and keeping a copy of this Handbook. I acknowledge that I have read the foregoing handbook and understand their content and effect. I further understand that this handbook does not create any express or implied contract and that the Town at any time may add, modify, eliminate or otherwise change the policies and provisions contained in the handbook.

I also understand that unless otherwise provided by 1) any written contract that has been offered to me, 2) any applicable collective bargaining agreement provision, or 3) statute that applies to me, employment with the Town is employment at will, which means that I am free to resign at any time and I may be terminated from employment by the Town at any time, with or without cause or prior notice.

I further acknowledge that the Town reserves the right to alter, reduce, suspend or eliminate any practice, rule, policy or benefit in whole or in part at any time with or without notice. I understand that I am responsible for reading and keeping a copy of the Handbook and any written changes that are provided to me.

Upon termination, I will return to the Town this handbook and any other items that belong to the Town.

Signature of Employee: \_\_\_\_\_

Printed Name of Employee: \_\_\_\_\_

Date: \_\_\_\_\_